

BILL

ORIGINAL

YEAR

1                                    A bill to be entitled

2        An act relating to obsolete or outdated agency plans,

3        reports, and programs; repealing s. 14.25, F.S., relating

4        to the Florida State Commission on Hispanic Affairs;

5        amending s. 14.26, F.S.; revising reporting requirements

6        of the Citizen's Assistance Office; repealing s. 14.27,

7        F.S., relating to the Florida Commission on African-

8        American Affairs; repealing s. 16.58, F.S., relating to

9        the Florida Legal Resource Center; amending ss. 17.32,

10       17.325, and 20.057, F.S.; revising provisions relating to

11       reports on trust funds, the governmental efficiency

12       hotline, and interagency agreements; amending s. 20.19,

13       F.S.; revising provisions relating to plans, projections,

14       and the mission of the Department of Children and Family

15       Services; amending s. 20.315, F.S.; revising provisions

16       relating to an evaluation of the Department of Corrections

17       by the Florida Corrections Commission; amending s. 20.316,

18       F.S.; revising provisions relating to reports of the

19       Department of Juvenile Justice; amending ss. 20.43,

20       39.001, 39.3065, 39.4086, 39.523, 98.255, and 106.22,

21       F.S.; revising and deleting provisions relating to

22       specified obsolete and outdated plans, reports, and

23       programs; amending s. 106.24, F.S.; conforming a cross

24       reference; amending ss. 110.1227, 120.542, 120.60,

25       120.695, 120.74, and 121.45, F.S.; revising and deleting

26       provisions relating to specified obsolete and outdated

27       plans, reports, and programs; repealing s. 153.952, F.S.,

28       relating to legislative findings and intent concerning the

29       condition or operation of privately owned water or

BILL

ORIGINAL

YEAR

30 wastewater utility systems and facilities; amending s.  
 31 161.053, F.S.; deleting obsolete provisions relating to  
 32 the establishment of coastal construction control lines;  
 33 amending s. 370.12, F.S.; conforming a cross reference;  
 34 amending s. 161.161, F.S.; revising provisions relating to  
 35 reporting requirements for beach erosion control projects;  
 36 repealing s. 163.2526, F.S., relating to review and  
 37 evaluation of specified provisions relating to urban  
 38 infill and redevelopment; amending ss. 163.3167, 163.3177,  
 39 163.3178, 163.519, 186.007, 186.022, 189.4035, 189.412,  
 40 194.034, 206.606, 212.054, and 212.08, F.S.; revising and  
 41 deleting provisions relating to specified obsolete and  
 42 outdated plans, reports, and programs; repealing s.  
 43 213.0452, F.S., relating to certain required reporting by  
 44 the Department of Revenue; repealing s. 213.054, F.S.,  
 45 relating to an annual report concerning persons claiming  
 46 certain tax exemptions or deductions; amending ss.  
 47 215.5601, 215.70, 216.011, and 216.013, F.S.; revising and  
 48 deleting provisions relating to specified obsolete and  
 49 outdated plans, reports, and programs; repealing s.  
 50 216.103, F.S., relating to agencies receiving federal  
 51 funds; repealing s. 216.172, F.S., relating to meetings of  
 52 legislative appropriations committees; amending s.  
 53 216.181, F.S.; deleting a requirement for a specified  
 54 report concerning state employment; repealing s. 216.1825,  
 55 F.S., relating to zero-based budgeting; amending ss.  
 56 252.55 and 253.7825, F.S.; revising and deleting  
 57 provisions relating to specified reports and plans;  
 58 repealing s. 253.7826, F.S., relating to canal structures;

BILL

ORIGINAL

YEAR

59        repealing s. 253.7829, F.S., relating to management plan  
60        for retention or disposition of former Cross Florida Barge  
61        Canal lands; amending s. 259.037, F.S.; revising  
62        provisions relating to a report by the Land Management  
63        Uniform Accounting Council; repealing s. 265.56, F.S.,  
64        relating to specified annual report by the Department of  
65        State; amending s. 267.074, F.S.; deleting requirements  
66        for a specified plan relating to historical markers;  
67        repealing s. 272.121, F.S., relating to Capitol Center  
68        long-range planning; amending ss. 282.102, 284.50,  
69        287.045, 287.059, 287.16, 288.1045, and 288.108, F.S.;  
70        revising and deleting provisions relating to specified  
71        obsolete and outdated plans, reports, and programs;  
72        repealing s. 288.1185, F.S., relating to the Recycling  
73        Markets Advisory Committee; amending ss. 288.1226,  
74        288.1229, 288.7015; 288.7771, 288.8175, 288.853,  
75        288.95155, 288.9604, 288.9610, 292.04, and 292.05, F.S.;  
76        revising and deleting provisions relating to specified  
77        obsolete and outdated plans, reports, and programs;  
78        repealing s. 296.16, F.S., relating to reports concerning  
79        the Veterans' Domiciliary Home of Florida; repealing s.  
80        296.39, F.S., relating to reports concerning veterans  
81        nursing homes; amending ss. 315.03, 319.324, 322.181,  
82        322.251, 365.171, 365.172, 365.173, 366.82, 369.22,  
83        370.26, 372.5712, and 372.5715, F.S.; revising and  
84        deleting provisions relating to specified obsolete and  
85        outdated plans, reports, and programs; repealing s.  
86        372.673, F.S., relating to the Florida Panther Technical  
87        Advisory Council; repealing s. 372.674, F.S., relating to

BILL

ORIGINAL

YEAR

88 environmental education; amending s. 372.672, F.S.;

89 conforming to the repeal of s. 372.674, F.S.; amending ss.

90 373.0391, 373.046, 373.1963, and 376.121, F.S.; revising

91 and deleting provisions relating to specified obsolete and

92 outdated plans, reports, and programs; repealing s.

93 376.17, F.S., relating to reports concerning operation of

94 a specified pollution control program; amending ss.

95 376.30713, 377.703, 380.06, and 380.0677, F.S.; revising

96 and deleting provisions relating to specified obsolete and

97 outdated plans, reports, and programs; amending ss.

98 259.041 and 259.101, F.S.; correcting cross references;

99 amending s. 381.0011, F.S.; deleting specified

100 requirements for a Department of Health strategic plan;

101 repealing s. 381.0036, F.S., relating to planning for

102 implementation of educational requirements concerning HIV

103 and AIDS for specified professional licensure applicants;

104 repealing s. 381.731, F.S., relating to a Department of

105 Health strategic plan; amending ss. 381.732 and 381.733,

106 F.S.; conforming cross references; amending ss. 381.795,

107 381.90, 381.931, and 383.19, F.S.; revising and deleting

108 provisions relating to specified obsolete and outdated

109 plans, reports, and programs; repealing s. 383.21, F.S.,

110 relating to review of certain perinatal intensive care

111 programs; amending ss. 383.2161, 384.25, 394.4573,

112 394.4985, and 394.75, F.S.; revising and deleting

113 provisions relating to specified obsolete and outdated

114 plans, reports, and programs; repealing s. 394.82, F.S.,

115 relating to expanded funding of certain services; amending

116 s. 394.655, F.S.; conforming provisions to the repeal of

BILL

ORIGINAL

YEAR

117 s. 394.82, F.S.; amending s. 394.9082, F.S.; revising  
 118 provisions relating to behavioral health service  
 119 strategies; repealing s. 394.9083, F.S., relating to the  
 120 Behavioral Health Services Integration Workgroup; amending  
 121 ss. 395.807, 397.321, 397.332, 397.333, 397.94, 400.0067,  
 122 400.0075, and 400.0089, F.S.; revising and deleting  
 123 provisions relating to specified obsolete and outdated  
 124 plans, reports, and programs; repealing s. 400.148, F.S.,  
 125 relating to the Medicaid "Up-or-Out" Quality of Care  
 126 Contract Management Program; amending s. 400.0239, F.S.;  
 127 conforming provisions to the repeal of s. 400.148, F.S.;  
 128 amending ss. 400.407, 400.408, 400.419, 400.441, 400.967,  
 129 402.3016, 402.40, 402.73, 403.067, and 403.4131, F.S.;  
 130 revising and deleting provisions relating to specified  
 131 obsolete and outdated plans, reports, and programs;  
 132 repealing s. 403.756, F.S., relating to a report  
 133 concerning oil recycling; amending ss. 403.7226 and  
 134 403.7265, F.S.; revising and deleting provisions relating  
 135 to specified obsolete and outdated plans, reports, and  
 136 programs; amending s. 403.7264, F.S.; conforming a cross  
 137 reference; amending ss. 403.7895, 406.02, 408.033,  
 138 408.914, and 408.915, F.S.; revising and deleting  
 139 provisions relating to specified obsolete and outdated  
 140 plans, reports, and programs; repealing s. 408.917, F.S.,  
 141 relating to evaluation of a health care eligibility pilot  
 142 project; amending s. 409.1451, F.S.; revising reporting  
 143 requirements relating to independent living transition  
 144 services; repealing s. 409.146, F.S., relating to a  
 145 children and families client and management information

BILL

ORIGINAL

YEAR

146        system; repealing s. 409.152, F.S., relating to service  
 147        integration and family preservation; amending ss.  
 148        409.1679, 409.1685, 409.178, 409.221, 409.25575, 409.2558,  
 149        409.2567, 409.441, 409.906, 409.9065, 409.91188, and  
 150        409.912, F.S.; revising and deleting provisions relating  
 151        to specified obsolete and outdated plans, reports, and  
 152        programs; amending ss. 394.9082, 409.9065, 409.91196, and  
 153        641.386, F.S.; conforming cross references; repealing s.  
 154        410.0245, F.S., relating to a study of service needs;  
 155        amending s. 410.604, F.S.; deleting a requirement for an  
 156        evaluation and report concerning a specified community  
 157        care for disabled adults program; repealing s. 411.221,  
 158        F.S., relating to a prevention and early assistance  
 159        strategic plan; amending ss. 411.01 and 411.232, F.S.;  
 160        conforming provisions to the repeal of s. 411.221, F.S.;  
 161        repealing s. 411.242, F.S., relating to the Florida  
 162        Education Now and Babies Later (ENABL) program; amending  
 163        ss. 413.402, 414.1251, 414.14, 414.36, 414.391, 415.1045,  
 164        415.111, 420.622, 420.623, 427.704, 427.706, 430.04,  
 165        430.502, 430.707, 445.003, 445.004, and 445.006, F.S.;  
 166        revising and deleting provisions relating to specified  
 167        obsolete and outdated plans, reports, and programs;  
 168        conforming provisions to the repeal of s. 411.242, F.S.;  
 169        amending ss. 445.022 and 445.049, F.S.; revising and  
 170        deleting provisions relating to specified obsolete and  
 171        outdated plans, reports, and programs; repealing s.  
 172        446.27, F.S., relating to a youth-at-risk pilot program  
 173        annual report; amending ss. 446.50 and 446.609, F.S.;  
 174        revising and deleting provisions relating to specified

BILL

ORIGINAL

YEAR

175        obsolete and outdated plans, reports, and programs;  
 176        repealing s. 455.204, F.S., relating to long-range policy  
 177        planning; amending ss. 455.2226, 455.2228, 456.005,  
 178        456.025, 456.031, 456.033, 456.034, and 517.302, F.S.;  
 179        revising and deleting provisions relating to specified  
 180        obsolete and outdated plans, reports, and programs;  
 181        repealing s. 526.3135, F.S., relating to reports by the  
 182        Division of Standards; amending s. 531.415, F.S., relating  
 183        to a required notice to the Legislature concerning certain  
 184        fees; repealing s. 553.975, F.S., relating to a report  
 185        concerning energy conservation standards; amending ss.  
 186        570.0705, 570.0725, 570.235, 570.543, 570.952, 603.204,  
 187        627.351, 627.64872, 744.7021, 744.708, 765.5215, 768.295,  
 188        775.084, 790.22, 932.7055, 943.08, 943.125, 943.68,  
 189        944.023, 944.801, 945.35, 948.10, 958.045, 960.045,  
 190        985.02, 985.08, and 985.3045, F.S.; revising and deleting  
 191        provisions relating to specified obsolete and outdated  
 192        plans, reports, and programs; repealing s. 985.3046, F.S.,  
 193        relating to certain reports concerning agencies and  
 194        entities providing prevention services; amending ss.  
 195        985.305, 985.309, 985.31, 985.311, and 985.3155, F.S.;  
 196        revising and deleting provisions relating to specified  
 197        obsolete and outdated plans, reports, and programs;  
 198        repealing s. 985.403, F.S., relating to a task force on  
 199        juvenile sexual offenders and their victims; amending ss.  
 200        985.412, 1001.02, 1008.30, and 1011.82, F.S.; revising and  
 201        deleting provisions relating to specified obsolete and  
 202        outdated plans, reports, and programs; amending ss.  
 203        1001.03 and 1002.34, F.S.; conforming cross references;

BILL

ORIGINAL

YEAR

amending ss. 1003.492, 1003.61, 1004.22, and 1004.50,  
F.S.; revising and deleting provisions relating to  
specified obsolete and outdated plans, reports, and  
programs; amending s. 1004.94, F.S., relating to an adult  
literacy program; amending s. 1004.95, F.S.; deleting a  
requirement for an annual report on adult literacy  
centers; repealing s. 1006.0605, F.S., relating to student  
summer nutrition programs; repealing s. 1006.67, F.S.,  
relating to a report of campus crime statistics; amending  
ss. 1007.27, 1009.70, 1011.32, 1011.4105, 1011.62,  
1012.05, 1012.42, 1013.03, and 1013.11, F.S.; revising and  
deleting provisions relating to specified obsolete and  
outdated plans, reports, and programs; providing an  
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 14.25, Florida Statutes, is repealed.

Section 2. Subsection (3) of section 14.26, Florida  
Statutes, is amended to read:

14.26 Citizen's Assistance Office.--

(3) The Citizen's Assistance Office shall report ~~make~~  
~~quarterly reports~~ to the Governor on, ~~which shall include:~~

(a) The number of complaints and investigations ~~and~~  
~~complaints made during the preceding quarter~~ and the disposition  
of such investigations.

~~(b) Recommendations in the form of suggested legislation or~~  
~~suggested procedures for the alleviation of problems disclosed by~~  
~~investigations.~~



BILL

ORIGINAL

YEAR

~~(b)(c) A report including statistics which reflect~~ The  
types of complaints made and an assessment as to the cause of the  
complaints.

(c) Recommendations for the alleviation of the cause of  
complaints disclosed by investigation.

(d) Such other information as the Executive Office of the  
Governor shall require.

Section 3. Section 14.27, Florida Statutes, is repealed.

Section 4. Section 16.58, Florida Statutes, is repealed.

Section 5. Subsection (1) of section 17.32, Florida  
Statutes, is amended to read:

17.32 Annual report of trust funds; duties of Chief  
Financial Officer.--

(1) On February 1 of each year, the Chief Financial Officer  
shall present to the Governor and the Legislature ~~President of~~  
~~the Senate and the Speaker of the House of Representatives~~ a  
report listing all trust funds as defined in s. 215.32. The  
report shall contain the following data elements for each fund  
for the preceding fiscal year:

(a) The fund code.

(b) The title.

(c) The fund type according to generally accepted  
accounting principles.

(d) The statutory authority.

(e) The beginning cash balance.

(f) Direct revenues.

(g) Nonoperating revenues.

(h) Operating disbursements.

(i) Nonoperating disbursements.

BILL

ORIGINAL

YEAR

(j) The ending cash balance.

(k) The department and budget entity in which the fund is located.

Section 6. Subsection (1) of section 17.325, Florida Statutes, is amended to read:

17.325 Governmental efficiency hotline; duties of Chief Financial Officer.--

(1) The Chief Financial Officer shall establish and operate a statewide toll-free telephone hotline to receive information or suggestions from the citizens of this state on how to improve the operation of government, increase governmental efficiency, and eliminate waste in government. ~~The Chief Financial Officer shall report each month to the appropriations committee of the House of Representatives and of the Senate the information or suggestions received through the hotline and the evaluations and determinations made by the affected agency, as provided in subsection (3), with respect to such information or suggestions.~~

Section 7. Section 20.057, Florida Statutes, is amended to read:

20.057 Interagency agreements to delete duplication of inspections.--

(1) The Governor shall direct any department, the head of which is an officer or board appointed by and serving at the pleasure of the Governor, to enter into an interagency agreement that will eliminate duplication of inspections among the departments that inspect the same type of facility or structure. Parties to the agreement may include departments which are headed by a Cabinet officer, the Governor and Cabinet, or a collegial body. The agreement shall:

BILL

ORIGINAL

YEAR

(a) Authorize agents of one department to conduct inspections required to be performed by another department.

(b) Specify that agents of the department conducting the inspection have all powers relative to the inspection as the agents of the department on whose behalf the inspection is being conducted.

(c) Require that agents of the department conducting the inspection have sufficient knowledge of statutory and administrative inspection requirements to conduct a proper inspection.

(d) Specify that the departments which have entered into the agreement may neither charge nor accept any funds with respect to duties performed under the agreement which are in excess of the direct costs of conducting such inspections.

(2) Before taking effect, an agreement entered into under this section must be approved by the Governor. Inspections conducted under an agreement shall be deemed sufficient for enforcement purposes pursuant to the agreement or as otherwise provided by law.

~~(2) No later than 60 days prior to the beginning of the regular session, the Governor shall make an annual report to the President of the Senate and the Speaker of the House of Representatives regarding interagency agreements. The report shall identify each interagency agreement entered into under this section, and, for each agreement, shall describe the duplication eliminated, provide data that measures the effectiveness of inspections conducted under the interagency agreement, and estimate the cost savings that have resulted from the agreement. The report shall also describe obstacles encountered by any~~

BILL

ORIGINAL

YEAR

~~department in attempting to develop an interagency agreement and  
in performing duties resulting from an interagency agreement and  
shall recommend appropriate remedial legislative action.~~

Section 8. Subsection (1) and paragraph (c) of subsection  
(5) of section 20.19, Florida Statutes, are amended to read:

20.19 Department of Children and Family Services.--There is  
created a Department of Children and Family Services.

(1) MISSION ~~AND PURPOSE~~.--

~~(a) The mission of the Department of Children and Family  
Services is to protect vulnerable children and adults, strengthen  
families, and support individuals and families in achieving  
personal and economic self-sufficiency work in partnership with  
local communities to ensure the safety, well being, and self-  
sufficiency of the people served.~~

~~(b) The department shall develop a strategic plan for  
fulfilling its mission and establish a set of measurable goals,  
objectives, performance standards, and quality assurance  
requirements to ensure that the department is accountable to the  
people of Florida.~~

~~(c) To the extent allowed by law and within specific  
appropriations, the department shall deliver services by contract  
through private providers.~~

(5) SERVICE DISTRICTS.--

~~(c) Each fiscal year the secretary shall, in consultation  
with the relevant employee representatives, develop projections  
of the number of child abuse and neglect cases and shall include  
in the department's legislative budget request a specific  
appropriation for funds and positions for the next fiscal year in  
order to provide an adequate number of full-time equivalent.~~

BILL

ORIGINAL

YEAR

349       1. ~~Child protection investigation workers so that caseloads~~  
350 ~~do not exceed the Child Welfare League Standards by more than two~~  
351 ~~cases; and~~

352       2. ~~Child protection case workers so that caseloads do not~~  
353 ~~exceed the Child Welfare League Standards by more than two cases.~~

354       Section 9. Paragraph (b) of subsection (6) of section  
355 20.315, Florida Statutes, is amended to read:

356       20.315 Department of Corrections.--There is created a  
357 Department of Corrections.

358       (6) FLORIDA CORRECTIONS COMMISSION.--

359       (b) The primary functions of the commission are to:

360       1. Recommend major correctional policies for the Governor's  
361 approval, and assure that approved policies and any revisions  
362 thereto are properly executed.

363       2. Periodically review the status of the state correctional  
364 system and recommend improvements therein to the Governor and the  
365 Legislature.

366       3. Annually perform an in-depth review of community-based  
367 intermediate sanctions and recommend to the Governor and the  
368 Legislature intergovernmental approaches through the Community  
369 Corrections Partnership Act for planning and implementing such  
370 sanctions and programs.

371       4. Perform an in-depth evaluation of the department's  
372 annual budget request ~~of the Department of Corrections, long-~~  
373 range program plans and performance standards ~~the comprehensive~~  
374 ~~correctional master plan~~, and the tentative construction program  
375 for compliance with all applicable laws and established  
376 departmental policies. The commission may not consider individual  
377 construction projects, but shall consider methods of

BILL

ORIGINAL

YEAR

accomplishing the department's goals in the most effective,  
efficient, and businesslike manner.

5. Routinely monitor the financial status of the department  
~~of Corrections~~ to assure that the department is managing revenue  
and any applicable bond proceeds responsibly and in accordance  
with law and established policy.

6. Evaluate, at least quarterly, the efficiency,  
productivity, and management of the department ~~of Corrections~~,  
using performance and production standards developed by the  
department under former subsection (18).

7. Provide public education on corrections and criminal  
justice issues.

8. Report to the President of the Senate, the Speaker of  
the House of Representatives, and the Governor by November 1 of  
each year.

9. Resolve disputes between the department ~~of Corrections~~  
and the contractors for the private correctional facilities  
entered into under chapter 957 when a contractor proposes to  
waive a rule, policy, or procedure concerning operation  
standards.

Section 10. Subsection (4) of section 20.316, Florida  
Statutes, is amended to read:

20.316 Department of Juvenile Justice.--There is created a  
Department of Juvenile Justice.

(4) INFORMATION SYSTEMS.--

(a) The Department of Juvenile Justice shall develop, in  
consultation with the Criminal and Juvenile Justice Information  
Systems Council under s. 943.08, a juvenile justice information

BILL

ORIGINAL

YEAR

system which shall provide information concerning the department's activities and programs.

(b) In establishing the computing and network infrastructure for the development of the information system, the department shall develop a system design to set the direction for the information system. That design shall include not only department system requirements but also data exchange requirements of other state and local juvenile justice system organizations.

(c) The department shall implement a distributed system architecture which shall be defined in its agency strategic plan.

(d) The management information system shall, at a minimum:

1. Facilitate case management of juveniles referred to or placed in the department's custody.

2. Provide timely access to current data and computing capacity to support outcome evaluation, legislative oversight, the Juvenile Justice Estimating Conference, and other research.

3. Provide automated support to the quality assurance and program review functions.

4. Provide automated support to the contract management process.

5. Provide automated support to the facility operations management process.

6. Provide automated administrative support to increase efficiency, provide the capability of tracking expenditures of funds by the department or contracted service providers that are eligible for federal reimbursement, and reduce forms and paperwork.

BILL

ORIGINAL

YEAR

7. Facilitate connectivity, access, and utilization of information among various state agencies, and other state, federal, local, and private agencies, organizations, and institutions.

8. Provide electronic public access to juvenile justice information, which is not otherwise made confidential by law or exempt from the provisions of s. 119.07(1).

9. Provide a system for the training of information system users and user groups.

~~(e) The department shall aggregate, on a quarterly and an annual basis, the program information, demographic, program utilization rate, and statistical data of the youth served into a descriptive report and shall disseminate the quarterly and annual reports to substantive committees of the House of Representatives and the Senate.~~

~~(f) The department shall provide an annual report on the juvenile justice information system to the Criminal and Juvenile Justice Information Systems Council. The council shall review and forward the report, along with its comments, to the appropriate substantive and appropriations committees of the House of Representatives and the Senate delineating the development status of the system and other information necessary for funding policy formulation.~~

~~(g) The department shall include in its annual budget request a comprehensive summary of costs involved in the establishment of the information system and cost savings associated with its implementation. The budget request must also include a complete inventory of staff, equipment, and facility resources for development and maintenance of the system.~~



BILL

ORIGINAL

YEAR

Section 11. Paragraph (1) of subsection (1) of section 20.43, Florida Statutes, is amended to read:

20.43 Department of Health.--There is created a Department of Health.

(1) The purpose of the Department of Health is to promote and protect the health of all residents and visitors in the state through organized state and community efforts, including cooperative agreements with counties. The department shall:

(1) Include in the department's long-range program ~~strategie~~ plan developed under s. 186.021 an assessment of current health programs, systems, and costs; projections of future problems and opportunities; and recommended changes that are needed in the health care system to improve the public health.

Section 12. Subsections (7) and (8) of section 39.001, Florida Statutes, are amended to read:

39.001 Purposes and intent; personnel standards and screening.--

(7) PLAN FOR COMPREHENSIVE APPROACH.--

(a) The department shall develop a comprehensive state plan for the prevention of abuse, abandonment, and neglect of children and shall submit the plan to the Governor and Legislature ~~Speaker of the House of Representatives, the President of the Senate, and the Governor~~ no later than June 30, 2006 ~~January 1, 1983~~.

1. The departments ~~Department~~ of Education, ~~and the Division of Children's Medical Services Prevention and Intervention of the Department of Health, Law Enforcement, and Juvenile Justice, along with the Agency for Workforce Innovation and the Agency for Persons with Disabilities,~~ shall participate

BILL

ORIGINAL

YEAR

and fully cooperate in the development of the state plan at both the state and local levels. National-level and state-level advocacy groups, especially as identified in federal prevention initiatives or requirements, shall also be provided an opportunity to participate.

2. ~~Furthermore,~~ Appropriate local agencies and organizations shall be provided an opportunity to participate at the local level in the development of the state plan ~~at the local level~~. Appropriate local groups and organizations shall include, but not be limited to, community alliances as described in s. 20.19; community-based care lead agencies as described in s. 409.1671; community mental health centers; guardian ad litem programs for children and other court system entities ~~under the circuit court; the~~ school boards of the local school districts; the Florida local advocacy councils; private or public organizations or programs with recognized expertise in working with children who are sexually abused, physically abused, emotionally abused, abandoned, or neglected and with expertise in working with the families of such children; private or public programs or organizations with expertise in maternal and infant health care; multidisciplinary child protection teams; child day care centers; and law enforcement agencies, ~~and the circuit courts, when guardian ad litem programs are not available in the local area. The state plan to be provided to the Legislature and the Governor shall include, as a minimum, the information required of the various groups in paragraph (b).~~

~~(b) The development of the comprehensive state plan shall be accomplished in the following manner:~~

BILL

ORIGINAL

YEAR

520       ~~1.~~ The department shall establish an interprogram task  
521 force comprised of a designee from each of the department's  
522 programs as listed in s. 20.19. Representatives from the agencies  
523 listed in subparagraph (a)1. ~~the Program Director for Family~~  
524 ~~Safety, or a designee, a representative from the Child Care~~  
525 ~~Services Program Office, a representative from the Family Safety~~  
526 ~~Program Office, a representative from the Mental Health Program~~  
527 ~~Office, a representative from the Substance Abuse Program Office,~~  
528 ~~a representative from the Developmental Disabilities Program~~  
529 ~~Office, and a representative from the Division of Children's~~  
530 ~~Medical Services Prevention and Intervention of the Department of~~  
531 ~~Health. Representatives of the Department of Law Enforcement and~~  
532 ~~of the Department of Education~~ shall serve as ex officio members  
533 of the interprogram task force. The interprogram task force shall  
534 be responsible for:

535       ~~1.a.~~ Developing a plan of action for better coordination  
536 and integration of the goals, activities, and funding pertaining  
537 to the prevention of child abuse, abandonment, and neglect  
538 conducted by the department in order to maximize staff and  
539 resources at the state level. The plan of action shall be  
540 included in the state plan.

541       ~~2.b.~~ Providing a schedule and basic format for ~~to be~~  
542 ~~utilized by the districts in~~ the preparation of local plans ~~of~~  
543 ~~action~~ in order to provide for uniformity in the development of  
544 local district plans and to provide for greater ease in compiling  
545 information for the state plan.

546       ~~3.c.~~ Providing the districts with technical assistance in  
547 the development of local plans ~~of action~~, if requested.

BILL

ORIGINAL

YEAR

548        ~~4.d.~~ Examining the local plans to determine if all the  
549 requirements of the local plans have been met and, if they have  
550 not, working with local entities to obtain the needed information  
551 ~~informing the districts of the deficiencies and requesting the~~  
552 ~~additional information needed.~~

553        ~~5.e.~~ Preparing the comprehensive state plan for submission  
554 to the Legislature and the Governor. ~~Such preparation shall~~  
555 ~~include the collapsing of information obtained from the local~~  
556 ~~plans, the cooperative plans with the Department of Education,~~  
557 ~~and the plan of action for coordination and integration of~~  
558 ~~departmental activities into one comprehensive plan. The~~  
559 ~~comprehensive plan shall include a section reflecting general~~  
560 ~~conditions and needs, an analysis of variations based on~~  
561 ~~population or geographic areas, identified problems, and~~  
562 ~~recommendations for change. In essence, the plan shall provide an~~  
563 ~~analysis and summary of each element of the local plans to~~  
564 ~~provide a statewide perspective. The plan shall also include each~~  
565 ~~separate local plan of action.~~

566        ~~6.f.~~ Working with the appropriate ~~specified~~ state agency in  
567 fulfilling the requirements of paragraphs (d), (e), and (f)  
568 ~~subparagraphs 2., 3., 4., and 5.~~

569        (c) The comprehensive state plan shall contain the  
570 following elements:

571            1. A section reflecting general conditions and needs.

572            2. An analysis of variations based on population or  
573 geographic areas.

574            3. Performance expectations and gaps.

575            4. Recommendations for performance improvement.

576            5. Resource and funding strategies related to unmet needs.

BILL

ORIGINAL

YEAR

577        6. A summary or crosswalk of the planning and performance  
578 requirements from relevant federal funding sources for the  
579 prevention of child abuse and neglect.

580        7. Each separate plan identified in paragraphs (d), (e),  
581 and (f).

582        ~~2. The department, the Department of Education, and the~~  
583 ~~Department of Health shall work together in developing ways to~~  
584 ~~inform and instruct parents of school children and appropriate~~  
585 ~~district school personnel in all school districts in the~~  
586 ~~detection of child abuse, abandonment, and neglect and in the~~  
587 ~~proper action that should be taken in a suspected case of child~~  
588 ~~abuse, abandonment, or neglect, and in caring for a child's needs~~  
589 ~~after a report is made. The plan for accomplishing this end shall~~  
590 ~~be included in the state plan.~~

591        (d)3. The department, and appropriate task members the  
592 ~~Department of Law Enforcement, and the Department of Health shall~~  
593 work together in developing a plan for informing and instructing  
594 ~~ways to inform and instruct appropriate professionals local law~~  
595 ~~enforcement personnel in the detection of child abuse,~~  
596 ~~abandonment, and neglect; and in the proper actions action that~~  
597 ~~should be taken in a suspected case of child abuse, abandonment,~~  
598 ~~or neglect; and in supporting subsequent action by the department~~  
599 or other responsible party for child protection. Appropriate  
600 professionals include, but are not limited to, the reporters  
601 listed in s. 39.201(1)(b).

602        (e)4. Within existing appropriations, The department shall  
603 work with other appropriate public and private agencies to  
604 develop a plan for educating ~~emphasize efforts to educate the~~  
605 general public about the problem of and ways to detect child

BILL

ORIGINAL

YEAR

606 abuse, abandonment, and neglect and in the proper action that  
607 should be taken in a suspected case of child abuse, abandonment,  
608 or neglect. The plan for accomplishing this end shall be included  
609 in the state plan.

610 ~~5. The department, the Department of Education, and the~~  
611 ~~Department of Health shall work together on the enhancement or~~  
612 ~~adaptation of curriculum materials to assist instructional~~  
613 ~~personnel in providing instruction through a multidisciplinary~~  
614 ~~approach on the identification, intervention, and prevention of~~  
615 ~~child abuse, abandonment, and neglect. The curriculum materials~~  
616 ~~shall be geared toward a sequential program of instruction at the~~  
617 ~~four progressional levels, K-3, 4-6, 7-9, and 10-12. Strategies~~  
618 ~~for encouraging all school districts to utilize the curriculum~~  
619 ~~are to be included in the comprehensive state plan for the~~  
620 ~~prevention of child abuse, abandonment, and neglect.~~

621 ~~(f)6. Each district of~~ The department shall facilitate the  
622 development of local plans ~~develop a plan for their local~~ its  
623 specific geographical area. Plans ~~The plan developed at the local~~  
624 district level shall be used by ~~submitted to the interprogram~~  
625 task force for utilization in preparing the state comprehensive  
626 plan. The district local plan of action shall be prepared with  
627 the involvement and assistance of the local agencies and  
628 organizations listed in paragraph (a), as well as representatives  
629 from those departmental district offices participating in the  
630 treatment and prevention of child abuse, abandonment, and  
631 neglect. In order to accomplish this, the district administrator  
632 in each district shall establish a task force on the prevention  
633 of child abuse, abandonment, and neglect. The district  
634 administrator shall appoint the members of the task force in

BILL

ORIGINAL

YEAR

635 ~~accordance with the membership requirements of this section. In~~  
636 ~~addition, the district administrator shall ensure that each~~  
637 ~~subdistrict is represented on the task force; and, if the~~  
638 ~~district does not have subdistricts, the district administrator~~  
639 ~~shall ensure that both urban and rural areas are represented on~~  
640 ~~the task force. The task force shall develop a written statement~~  
641 ~~clearly identifying its operating procedures, purpose, overall~~  
642 ~~responsibilities, and method of meeting responsibilities.~~

643 (g) Each local plan ~~The district plan of action to be~~  
644 ~~prepared by the task force~~ shall include, but shall not be  
645 limited to:

646 1.a. Documentation of the incidence ~~magnitude of the~~  
647 ~~problems~~ of child abuse, ~~including sexual abuse, physical abuse,~~  
648 ~~and emotional abuse, and child abandonment,~~ and neglect in its  
649 geographical area. Documentation shall include, at a minimum, a  
650 summary of information derived from the department's official  
651 data source, HomeSafeNet.

652 2.b. A description of programs and services currently  
653 serving abused, abandoned, and neglected children and their  
654 families and a description of programs for the prevention of  
655 child abuse, abandonment, and neglect, including information on  
656 the impact, ~~cost effectiveness,~~ and sources of funding of such  
657 programs and services.

658 3.c. A description of local models for a continuum of  
659 programs and services necessary for a comprehensive approach to  
660 the prevention of all types of child abuse, abandonment, and  
661 neglect ~~as well as a brief description of such programs and~~  
662 ~~services.~~

BILL

ORIGINAL

YEAR

~~4.d.~~ A description, documentation, and priority ranking of local unmet needs related to child abuse, abandonment, and neglect prevention based upon the current programs and a model continuum of programs and services.

~~5.e.~~ A plan for steps to be taken in meeting identified needs, including the coordination and integration of services to avoid unnecessary duplication and cost, and for alternative funding strategies for meeting needs through the reallocation of existing resources, utilization of volunteers, contracting with local universities for services, and local government or private agency funding.

~~6.f.~~ A description of barriers to the accomplishment of a comprehensive approach to the prevention of child abuse, abandonment, and neglect.

~~7.g.~~ Recommendations for actions ~~changes~~ that can be accomplished only at the state program level or by legislative action.

(8) FUNDING AND SUBSEQUENT PLANS.--

(a) The department's long-range program plans and legislative budget requests ~~All budget requests submitted by the department, the Department of Health, the Department of Education, or any other agency to the Legislature for funding of efforts for the prevention of child abuse, abandonment, and neglect~~ shall be based on and consistent with the most recent state comprehensive plan and updates developed pursuant to this section.

(b) The department at the state and district levels and the other agencies listed in paragraph (7)(a) shall review and update the plan annually ~~readdress the plan and make necessary revisions~~



BILL

ORIGINAL

YEAR

~~every 5 years, at a minimum. Such updates ~~revisions~~ shall be submitted to the Governor and Legislature ~~Speaker of the House of Representatives and the President of the Senate~~ no later than June 30 of each year ~~divisible by 5~~. Annual review and updates shall include progress and performance reporting ~~An annual progress report shall be submitted to update the plan in the years between the 5-year intervals. In order to avoid duplication of effort, these required plans may be made a part of or merged with other plans required by either the state or Federal Government, so long as the portions of the other state or Federal Government plan that constitute the state plan for the prevention of child abuse, abandonment, and neglect are clearly identified as such and are provided to the Speaker of the House of Representatives and the President of the Senate as required above.~~~~

Section 13. Subsection (3) of section 39.3065, Florida Statutes, is amended to read:

39.3065 Sheriffs of certain counties to provide child protective investigative services; procedures; funding.--

(3)(a) Beginning in fiscal year 1999-2000, the sheriffs of Pasco County, Manatee County, Broward County, and Pinellas County have the responsibility to provide all child protective investigations in their respective counties. Beginning in fiscal year 2000-2001, the Department of Children and Family Services is authorized to enter into grant agreements with sheriffs of other counties to perform child protective investigations in their respective counties.

(b) The sheriffs shall operate, at a minimum, in accordance with the performance standards and outcome measures established

BILL

ORIGINAL

YEAR

by the Legislature for protective investigations conducted by the Department of Children and Family Services. Each individual who provides these services must complete, at a minimum, the training provided to and required of protective investigators employed by the Department of Children and Family Services.

(c) Funds for providing child protective investigations must be identified in the annual appropriation made to the Department of Children and Family Services, which shall award grants for the full amount identified to the respective sheriffs' offices. Notwithstanding the provisions of ss. 216.181(16)(b) and 216.351, the Department of Children and Family Services may advance payments to the sheriffs for child protective investigations. Funds for the child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be maintained separately from all other records of the sheriffs' offices and reported to the Department of Children and Family Services as specified in the grant agreement.

~~(d) Program performance evaluation shall be based on criteria mutually agreed upon by the respective sheriffs and the Department of Children and Family Services. The program performance evaluation shall be conducted by a team of peer reviewers from the respective sheriffs' offices that perform child protective investigations and representatives from the department. The Department of Children and Family Services shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, and to the~~

BILL

ORIGINAL

YEAR

~~Governor no later than January 31 of each year the sheriffs are receiving general appropriations to provide child protective investigations.~~

Section 14. Paragraph (h) of subsection (2) of section 39.4086, Florida Statutes, is amended to read:

39.4086 Pilot program for attorneys ad litem for dependent children.--

(2) RESPONSIBILITIES.--

(h) The Statewide Guardian Ad Litem Office ~~of the State Courts Administrator~~ shall conduct research and gather statistical information to evaluate the establishment, operation, and impact of the pilot program in meeting the legal needs of dependent children. In assessing the effects of the pilot program, including achievement of outcomes identified under paragraph (b), the evaluation must include a comparison of children within the Ninth Judicial Circuit who are appointed an attorney ad litem with those who are not. ~~The office shall submit a report to the Legislature and the Governor by October 1, 2001, and by October 1, 2002, regarding its findings. The office shall submit a final report by October 1, 2003, which must include an evaluation of the pilot program, findings on the feasibility of a statewide program, and recommendations, if any, for locating, establishing, and operating a statewide program.~~

Section 15. Subsection (5) of section 39.523, Florida Statutes, is amended to read:

39.523 Placement in residential group care.--

~~(5)(a) By December 1 of each year, the department shall report to the Legislature on the placement of children in licensed residential group care during the year, including the~~

BILL

ORIGINAL

YEAR

~~criteria used to determine the placement of children, the number of children who were evaluated for placement, the number of children who were placed based upon the evaluation, and the number of children who were not placed. The department shall maintain data specifying the number of children who were referred to licensed residential child care for whom placement was unavailable and the counties in which such placement was unavailable. The department shall include this data in its report to the Legislature due on December 1, so that the Legislature may consider this information in developing the General Appropriations Act.~~

~~(b) As part of the report required in paragraph (a), the department shall also provide a detailed account of the expenditures incurred for "Special Categories: Grants and Aids Specialized Residential Group Care Services" for the fiscal year immediately preceding the date of the report. This section of the report must include whatever supporting data is necessary to demonstrate full compliance with paragraph (6) (c). The document must present the information by district and must specify, at a minimum, the number of additional beds, the average rate per bed, the number of additional persons served, and a description of the enhanced and expanded services provided.~~

Section 16. Subsections (1) and (3) of section 98.255, Florida Statutes, are amended to read:

98.255 Voter education programs.--

(1) ~~By March 1, 2002,~~ The Department of State shall adopt rules prescribing minimum standards for nonpartisan voter education. ~~In developing the rules, the department shall review current voter education programs within each county of the state.~~

BILL

ORIGINAL

YEAR

The standards shall address, but are not limited to, the following subjects:

- (a) Voter registration;
- (b) Balloting procedures, absentee and polling place;
- (c) Voter rights and responsibilities;
- (d) Distribution of sample ballots; and
- (e) Public service announcements.

~~(3)(a)~~ By December 15 of each general election year, each supervisor of elections shall report to the Department of State a detailed description of the voter education programs implemented and any other information that may be useful in evaluating the effectiveness of voter education efforts.

~~(b) The Department of State, upon receipt of such information, shall prepare a public report on the effectiveness of voter education programs and shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31 of each year following a general election.~~

~~(c)~~ The Department of State shall reexamine the rules adopted pursuant to subsection (1) and consider the findings in these reports ~~the report~~ as a basis for adopting modified rules that incorporate successful voter education programs and techniques, as necessary.

Section 17. Subsection (10) of section 106.22, Florida Statutes, is amended to read:

106.22 Duties of the Division of Elections.--It is the duty of the Division of Elections to:

~~(10) Make an annual report to the President of the Senate and the Speaker of the House of Representatives concerning~~

BILL

ORIGINAL

YEAR

~~activities of the division and recommending improvements in the  
election code.~~

Section 18. Subsection (6) of section 106.24, Florida  
Statutes, is amended to read:

106.24 Florida Elections Commission; membership; powers;  
duties.--

(6) There is hereby established in the State Treasury an  
Elections Commission Trust Fund to be used ~~utilized~~ by the  
Division of Elections and the Florida Elections Commission in  
order to carry out their duties pursuant to ss. 106.24-106.28.  
The trust fund may also be used by the division, pursuant to its  
authority under s. 106.22 (10) ~~(11)~~, to provide rewards for  
information leading to criminal convictions related to voter  
registration fraud, voter fraud, and vote scams.

Section 19. Paragraph (a) of subsection (7) of section  
110.1227, Florida Statutes, is amended to read:

110.1227 Florida Employee Long-Term-Care Plan Act.--

(7) The board of directors of the Florida Long-Term-Care  
Plan shall:

(a) Upon implementation, prepare an annual report of the  
plan, with the assistance of an actuarial consultant, to be  
submitted to ~~the Speaker of the House of Representatives, the  
President of the Senate, the Governor and Legislature, and the  
Minority Leaders of the Senate and the House of Representatives.~~

Section 20. Subsection (9) of section 120.542, Florida  
Statutes, is amended to read:

120.542 Variances and waivers.--

(9) Each agency shall maintain a record of the type and  
disposition of each petition, including temporary or emergency

BILL

ORIGINAL

YEAR

variances and waivers, filed pursuant to this section. ~~On October 1 of each year, each agency shall file a report with the Governor, the President of the Senate, and the Speaker of the House of Representatives listing the number of petitions filed requesting variances to each agency rule, the number of petitions filed requesting waivers to each agency rule, and the disposition of all petitions. Temporary or emergency variances and waivers, and the reasons for granting or denying temporary or emergency variances and waivers, shall be identified separately from other waivers and variances.~~

Section 21. Subsection (3) of section 120.60, Florida Statutes, is amended to read:

120.60 Licensing.--

(3) Each applicant shall be given written notice either personally or by mail that the agency intends to grant or deny, or has granted or denied, the application for license. The notice must state with particularity the grounds or basis for the issuance or denial of the license, except when issuance is a ministerial act. Unless waived, a copy of the notice shall be delivered or mailed to each party's attorney of record and to each person who has requested notice of agency action. Each notice shall inform the recipient of the basis for the agency decision, shall inform the recipient of any administrative hearing pursuant to ss. 120.569 and 120.57 or judicial review pursuant to s. 120.68 which may be available, shall indicate the procedure that ~~which~~ must be followed, and shall state the applicable time limits. The issuing agency shall certify the date the notice was mailed or delivered, ~~and the notice and the certification shall be filed with the agency clerk.~~

BILL

ORIGINAL

YEAR

895 Section 22. Subsection (2) of section 120.695, Florida  
896 Statutes, is amended to read:

897 120.695 Notice of noncompliance.--

898 (2)~~(a)~~ Each agency shall issue a notice of noncompliance as  
899 a first response to a minor violation of a rule. A "notice of  
900 noncompliance" is a notification by the agency charged with  
901 enforcing the rule issued to the person or business subject to  
902 the rule. A notice of noncompliance may not be accompanied with a  
903 fine or other disciplinary penalty. It must identify the specific  
904 rule that is being violated, provide information on how to comply  
905 with the rule, and specify a reasonable time for the violator to  
906 comply with the rule. ~~A rule is agency action that regulates a~~  
907 ~~business, occupation, or profession, or regulates a person~~  
908 ~~operating a business, occupation, or profession, and that, if not~~  
909 ~~complied with, may result in a disciplinary penalty.~~

910 (a)~~(b)~~ Each agency shall ~~review all of its rules and~~  
911 ~~designate those rules for which a violation would be a minor~~  
912 ~~violation and for which a notice of noncompliance must be the~~  
913 ~~first enforcement action taken against a person or business~~  
914 ~~subject to regulation. A violation of a rule is a minor violation~~  
915 ~~if it does not result in economic or physical harm to a person or~~  
916 ~~adversely affect the public health, safety, or welfare or create~~  
917 ~~a significant threat of such harm. If an agency under the~~  
918 ~~direction of a cabinet officer mails to each licensee a notice of~~  
919 ~~the designated rules at the time of licensure and at least~~  
920 ~~annually thereafter, the provisions of this subsection paragraph~~  
921 ~~(a)~~ may be exercised at the discretion of the agency. Such notice  
922 shall include a subject-matter index of the rules and information  
923 on how the rules may be obtained.



BILL

ORIGINAL

YEAR

~~(c) The agency's review and designation must be completed by December 1, 1995; each agency under the direction of the Governor shall make a report to the Governor, and each agency under the joint direction of the Governor and Cabinet shall report to the Governor and Cabinet by January 1, 1996, on which of its rules have been designated as rules the violation of which would be a minor violation.~~

(b)~~(d)~~ The Governor or the Governor and Cabinet, as appropriate pursuant to paragraph ~~(c)~~, may evaluate the rule review and designation effects of each agency and may apply a different designation than that applied by the agency.

(3)~~(e)~~ This section does not apply to the regulation of law enforcement personnel or teachers.

(4)~~(f)~~ Rule designation pursuant to this section is not subject to challenge under this chapter.

Section 23. Section 120.74, Florida Statutes, is amended to read:

120.74 Agency review, revision, and report.--

(1) Each agency shall review and revise its rules as often as necessary to ensure that its rules are correct and comply with statutory requirements.

(2) Additionally, each agency shall perform a formal review of its rules every 2 years. In the review, each agency must:

- (a) Identify and correct deficiencies in its rules;
- (b) Clarify and simplify its rules;
- (c) Delete obsolete or unnecessary rules;
- (d) Delete rules that are redundant of statutes;
- (e) Seek to improve efficiency, reduce paperwork, or decrease costs to government and the private sector; and

BILL

ORIGINAL

YEAR

(f) Contact agencies that have concurrent or overlapping jurisdiction to determine whether their rules can be coordinated to promote efficiency, reduce paperwork, or decrease costs to government and the private sector.

~~(2) Beginning October 1, 1997, and by October 1 of every other year thereafter, the head of each agency shall file a report with the President of the Senate and the Speaker of the House of Representatives, with a copy to each appropriate standing committee of the Legislature, which certifies that the agency has complied with the requirements of this subsection. The report must specify any changes made to its rules as a result of the review and, when appropriate, recommend statutory changes that will promote efficiency, reduce paperwork, or decrease costs to government and the private sector.~~

Section 24. Subsection (3) of section 121.45, Florida Statutes, is amended to read:

121.45 Interstate compacts relating to pension portability.--

(3) ESTABLISHMENT OF COMPACTS.--

(a) The Department of Management Services is authorized and directed to survey other state retirement systems to determine if such retirement systems are interested in developing an interstate compact with Florida.

(b) If any such state is interested in pursuing the matter, the department shall confer with the other state and the consulting actuaries of both states, and ~~shall present its findings to the committees having jurisdiction over retirement matters in the Legislature, and to representatives of affected certified bargaining units, in order to determine the feasibility~~

BILL

ORIGINAL

YEAR

~~of developing a portability compact, what groups should be covered, and the goals and priorities which should guide such development.~~

(c) Upon a determination that such a compact is feasible ~~and upon request of the Legislature,~~ the department, together with its consulting actuaries, shall, ~~in accordance with said goals and priorities,~~ develop a proposal under which retirement credit may be transferred to or from Florida in an actuarially sound manner, which proposal shall be presented to the Governor and Legislature for consideration.

~~(d) Once a proposal has been developed, the department shall contract with its consulting actuaries to conduct an actuarial study of the proposal to determine the cost to the Florida Retirement System Trust Fund and the State of Florida.~~

~~(e) After the actuarial study has been completed, the department shall present its findings and the actuarial study to the Legislature for consideration. If either house of the Legislature elects to enter into such a compact, it shall be introduced in the form of a proposed committee bill to the full Legislature during the same or next regular session.~~

Section 25. Section 153.952, Florida Statutes, is repealed.

Section 26. Subsections (3), (5), (9), (11), and (16), paragraphs (b) and (d) of subsection (6), paragraphs (a) and (b) of subsection (12), and paragraphs (a) and (b) of subsection (13) of section 161.053, Florida Statutes, are amended to read:

161.053 Coastal construction and excavation; regulation on county basis.--

~~(3) It is the intent of the Legislature that any coastal construction control line that has not been updated since June~~

BILL

ORIGINAL

YEAR

~~30, 1980, shall be considered a critical priority for reestablishment by the department. In keeping with this intent, the department shall notify the Legislature if all such lines cannot be reestablished by December 31, 1997, so that the Legislature may subsequently consider interim lines of jurisdiction for the remaining counties.~~

(4)~~(5)~~ Except in those areas where local zoning and building codes have been established pursuant to subsection (3)~~(4)~~, a permit to alter, excavate, or construct on property seaward of established coastal construction control lines may be granted by the department as follows:

(a) The department may authorize an excavation or erection of a structure at any coastal location as described in subsection (1) upon receipt of an application from a property and/or riparian owner and upon the consideration of facts and circumstances, including:

1. Adequate engineering data concerning shoreline stability and storm tides related to shoreline topography;

2. Design features of the proposed structures or activities; and

3. Potential impacts of the location of such structures or activities, including potential cumulative effects of any proposed structures or activities upon such beach-dune system, which, in the opinion of the department, clearly justify such a permit.

(b) If in the immediate contiguous or adjacent area a number of existing structures have established a reasonably continuous and uniform construction line closer to the line of mean high water than the foregoing, and if the existing

BILL

ORIGINAL

YEAR

structures have not been unduly affected by erosion, a proposed structure may, at the discretion of the department, be permitted along such line on written authorization from the department if such structure is also approved by the department. However, the department shall not contravene setback requirements or zoning or building codes established by a county or municipality which are equal to, or more strict than, those requirements provided herein. This paragraph does not prohibit the department from requiring structures to meet design and siting criteria established in paragraph (a) or in subsection (1) or subsection (2).

(c) The department may condition the nature, timing, and sequence of construction of permitted activities to provide protection to nesting sea turtles and hatchlings and their habitat, pursuant to s. 370.12, and to native salt-resistant vegetation and endangered plant communities.

(d) The department may require such engineer certifications as necessary to assure the adequacy of the design and construction of permitted projects.

(e) The department shall limit the construction of structures which interfere with public access along the beach. However, the department may require, as a condition to granting permits, the provision of alternative access when interference with public access along the beach is unavoidable. The width of such alternate access may not be required to exceed the width of the access that will be obstructed as a result of the permit being granted.

(f) The department may, as a condition to the granting of a permit under this section, require mitigation, financial, or

BILL

ORIGINAL

YEAR

1069 other assurances acceptable to the department as may be necessary  
 1070 to assure performance of conditions of a permit or enter into  
 1071 contractual agreements to best assure compliance with any permit  
 1072 conditions. The department may also require notice of the permit  
 1073 conditions required and the contractual agreements entered into  
 1074 pursuant to the provisions of this subsection to be filed in the  
 1075 public records of the county in which the permitted activity is  
 1076 located.

1077        (5)~~(6)~~

1078        (b) After October 1, 1985, and notwithstanding any other  
 1079 provision of this part, the department, or a local government to  
 1080 which the department has delegated permitting authority pursuant  
 1081 to subsections (3)~~(4)~~ and (15)~~(16)~~, shall not issue any permit  
 1082 for any structure, other than a coastal or shore protection  
 1083 structure, minor structure, or pier, meeting the requirements of  
 1084 this part, or other than intake and discharge structures for a  
 1085 facility sited pursuant to part II of chapter 403, which is  
 1086 proposed for a location which, based on the department's  
 1087 projections of erosion in the area, will be seaward of the  
 1088 seasonal high-water line within 30 years after the date of  
 1089 application for such permit. The procedures for determining such  
 1090 erosion shall be established by rule. In determining the area  
 1091 which will be seaward of the seasonal high-water line in 30  
 1092 years, the department shall not include any areas landward of a  
 1093 coastal construction control line.

1094        (d) In determining the land areas which will be below the  
 1095 seasonal high-water line within 30 years after the permit  
 1096 application date, the department shall consider the impact on the  
 1097 erosion rates of an existing beach nourishment or restoration

BILL

ORIGINAL

YEAR

1098 project or of a beach nourishment or restoration project for  
 1099 which all funding arrangements have been made and all permits  
 1100 have been issued at the time the application is submitted. The  
 1101 department shall consider each year there is sand seaward of the  
 1102 erosion control line that no erosion took place that year.  
 1103 However, the seaward extent of the beach nourishment or  
 1104 restoration project beyond the erosion control line shall not be  
 1105 considered in determining the applicable erosion rates. Nothing  
 1106 in this subsection shall prohibit the department from requiring  
 1107 structures to meet criteria established in subsection (1),  
 1108 subsection (2), or subsection (4)~~(5)~~ or to be further landward  
 1109 than required by this subsection based on the criteria  
 1110 established in subsection (1), subsection (2), or subsection  
 1111 (4)~~(5)~~.

1112       ~~(8)~~~~(9)~~ The provisions of this section do not apply to  
 1113 structures intended for shore protection purposes which are  
 1114 regulated by s. 161.041 or to structures existing or under  
 1115 construction prior to the establishment of the coastal  
 1116 construction control line as provided herein, provided such  
 1117 structures may not be materially altered except as provided in  
 1118 subsection (4)~~(5)~~. Except for structures that have been  
 1119 materially altered, structures determined to be under  
 1120 construction at the time of the establishment or reestablishment  
 1121 of the coastal construction control line shall be exempt from the  
 1122 provisions of this section. However, unless such an exemption has  
 1123 been judicially confirmed to exist prior to April 10, 1992, the  
 1124 exemption shall last only for a period of 3 years from either the  
 1125 date of the determination of the exemption or April 10, 1992,  
 1126 whichever occurs later. The department may extend the exemption

BILL

ORIGINAL

YEAR

period for structures that require longer periods for completion of their construction, provided that construction during the initial exemption period has been continuous. For purposes of this subsection, "continuous" means following a reasonable sequence of construction without significant or unreasonable periods of work stoppage.

(10)~~(11)~~ Pending the establishment of coastal construction control lines as provided herein, the provisions of s. 161.052 shall remain in force. However, upon the establishment of coastal construction control lines, or the establishment of coastal construction zoning and building codes as provided in subsection (3)~~(4)~~, the provisions of s. 161.052 shall be superseded by the provisions of this section.

(11)~~(12)~~(a) The coastal construction control requirements defined in subsection (1) and the requirements of the erosion projections pursuant to subsection (5)~~(6)~~ do not apply to any modification, maintenance, or repair to any existing structure within the limits of the existing foundation which does not require, involve, or include any additions to, or repair or modification of, the existing foundation of that structure. Specifically excluded from this exemption are seawalls or other rigid coastal or shore protection structures and any additions or enclosures added, constructed, or installed below the first dwelling floor or lowest deck of the existing structure.

(b) Activities seaward of the coastal construction control line which are determined by the department not to cause a measurable interference with the natural functioning of the coastal system are exempt from the requirements in subsection (4)~~(5)~~.



BILL

ORIGINAL

YEAR

1156        (12)~~(13)~~(a) Notwithstanding the coastal construction  
1157 control requirements defined in subsection (1) or the erosion  
1158 projection determined pursuant to subsection (5)~~(6)~~, the  
1159 department may, at its discretion, issue a permit for the repair  
1160 or rebuilding within the confines of the original foundation of a  
1161 major structure pursuant to the provisions of subsection (4)~~(5)~~.  
1162 Alternatively, the department may also, at its discretion, issue  
1163 a permit for a more landward relocation or rebuilding of a  
1164 damaged or existing structure if such relocation or rebuilding  
1165 would not cause further harm to the beach-dune system, and if, in  
1166 the case of rebuilding, such rebuilding complies with the  
1167 provisions of subsection (4)~~(5)~~, and otherwise complies with the  
1168 provisions of this subsection.

1169        (b) Under no circumstances shall the department permit such  
1170 repairs or rebuilding that expand the capacity of the original  
1171 structure seaward of the 30-year erosion projection established  
1172 pursuant to subsection (5)~~(6)~~.

1173        (15)~~(16)~~ In keeping with the intent of subsection (3)~~(4)~~,  
1174 and at the discretion of the department, authority for permitting  
1175 certain types of activities which have been defined by the  
1176 department may be delegated by the department to a coastal county  
1177 or coastal municipality. Such partial delegation shall be  
1178 narrowly construed to those particular activities specifically  
1179 named in the delegation and agreed to by the affected county or  
1180 municipality, and the delegation may be revoked by the department  
1181 at any time if it is determined that the delegation is improperly  
1182 or inadequately administered.

1183        Section 27. Paragraph (g) of subsection (1) of section  
1184 370.12, Florida Statutes, is amended to read:

BILL

ORIGINAL

YEAR

1185           370.12 Marine animals; regulation.--  
1186           (1) PROTECTION OF MARINE TURTLES.--  
1187           (g) The Department of Environmental Protection may  
1188 condition the nature, timing, and sequence of construction of  
1189 permitted activities to provide protection to nesting marine  
1190 turtles and hatchlings and their habitat pursuant to the  
1191 provisions of s. 161.053 (4) ~~(5)~~. When the department is  
1192 considering a permit for a beach restoration, beach  
1193 renourishment, or inlet sand transfer project and the applicant  
1194 has had an active marine turtle nest relocation program or the  
1195 applicant has agreed to and has the ability to administer a  
1196 program, the department must not restrict the timing of the  
1197 project. Where appropriate, the department, in accordance with  
1198 the applicable rules of the Fish and Wildlife Conservation  
1199 Commission, shall require as a condition of the permit that the  
1200 applicant relocate and monitor all turtle nests that would be  
1201 affected by the beach restoration, beach renourishment, or sand  
1202 transfer activities. Such relocation and monitoring activities  
1203 shall be conducted in a manner that ensures successful hatching.  
1204 This limitation on the department's authority applies only on the  
1205 Atlantic coast of Florida.  
1206           Section 28. Subsection (2) of section 161.161, Florida  
1207 Statutes, is amended to read:  
1208           161.161 Procedure for approval of projects.--  
1209           (2) Annually ~~Upon approval of the beach management plan,~~  
1210 the secretary shall present to the Legislature ~~President of the~~  
1211 ~~Senate, the Speaker of the House of Representatives, and the~~  
1212 ~~chairs of the legislative appropriations committees~~  
1213 recommendations for funding of beach erosion control projects

BILL

ORIGINAL

YEAR

1214 ~~prioritized according to the. Such recommendations shall be~~  
1215 ~~presented to such members of the Legislature in the priority~~  
1216 ~~order specified in the plan and established pursuant to criteria~~  
1217 ~~established contained in s. 161.101(14).~~

1218 Section 29. Section 163.2526, Florida Statutes, is  
1219 repealed.

1220 Section 30. Subsection (2) of section 163.3167, Florida  
1221 Statutes, is amended to read:

1222 163.3167 Scope of act.--

1223 (2) Each local government shall prepare a comprehensive  
1224 plan of the type and in the manner set out in this act or shall  
1225 prepare amendments to its existing comprehensive plan to conform  
1226 it to the requirements of this part in the manner set out in this  
1227 part. Each local government, in accordance with the procedures in  
1228 s. 163.3184, shall submit its complete proposed comprehensive  
1229 plan or its complete comprehensive plan as proposed to be amended  
1230 to the state land planning agency. ~~by the date specified in the~~  
1231 ~~rule adopted by the state land planning agency pursuant to this~~  
1232 ~~subsection. The state land planning agency shall, prior to~~  
1233 ~~October 1, 1987, adopt a schedule of local governments required~~  
1234 ~~to submit complete proposed comprehensive plans or comprehensive~~  
1235 ~~plans as proposed to be amended. Such schedule shall specify the~~  
1236 ~~exact date of submission for each local government, shall~~  
1237 ~~establish equal, staggered submission dates, and shall be~~  
1238 ~~consistent with the following time periods:~~

1239 ~~(a) Beginning on July 1, 1988, and on or before July 1,~~  
1240 ~~1990, each county that is required to include a coastal~~  
1241 ~~management element in its comprehensive plan and each~~  
1242 ~~municipality in such a county; and~~

BILL

ORIGINAL

YEAR

1243       ~~(b) Beginning on July 1, 1989, and on or before July 1,~~  
 1244       ~~1991, all other counties or municipalities.~~  
 1245  
 1246       ~~Nothing herein shall preclude the state land planning agency from~~  
 1247       ~~permitting by rule a county together with each municipality in~~  
 1248       ~~the county from submitting a proposed comprehensive plan earlier~~  
 1249       ~~than the dates established in paragraphs (a) and (b). Any county~~  
 1250       ~~or municipality that fails to meet the schedule set for~~  
 1251       ~~submission of its proposed comprehensive plan by more than 90~~  
 1252       ~~days shall be subject to the sanctions described in s.~~  
 1253       ~~163.3184(11)(a) imposed by the Administration Commission.~~  
 1254       ~~Notwithstanding the time periods established in this subsection,~~  
 1255       ~~the state land planning agency may establish later deadlines for~~  
 1256       ~~the submission of proposed comprehensive plans or comprehensive~~  
 1257       ~~plans as proposed to be amended for a county or municipality~~  
 1258       ~~which has all or a part of a designated area of critical state~~  
 1259       ~~concern within its boundaries; however, such deadlines shall not~~  
 1260       ~~be extended to a date later than July 1, 1991, or the time of de-~~  
 1261       ~~designation, whichever is earlier.~~  
 1262       Section 31. Paragraph (h) of subsection (6) and paragraph  
 1263       (k) of subsection (10) of section 163.3177, Florida Statutes, are  
 1264       amended to read:  
 1265       163.3177 Required and optional elements of comprehensive  
 1266       plan; studies and surveys.--  
 1267       (6) In addition to the requirements of subsections (1)-(5),  
 1268       the comprehensive plan shall include the following elements:  
 1269       (h)1. An intergovernmental coordination element showing  
 1270       relationships and stating principles and guidelines to be used in  
 1271       coordinating ~~the accomplishment of coordination of~~ the adopted

BILL

ORIGINAL

YEAR

1272 comprehensive plan with the plans of school boards and other  
 1273 units of local government providing services but not having  
 1274 regulatory authority over the use of land, with the comprehensive  
 1275 plans of adjacent municipalities, the county, adjacent counties,  
 1276 or the region, ~~with the state comprehensive plan~~ and with the  
 1277 applicable regional water supply plan approved pursuant to s.  
 1278 373.0361, as the case may require and as such adopted plans or  
 1279 plans in preparation may exist. This element of the local  
 1280 comprehensive plan shall consider ~~demonstrate consideration of~~  
 1281 the particular effects of the local plan, when adopted, upon the  
 1282 development of adjacent municipalities, the county, adjacent  
 1283 counties, or the region, or upon the state comprehensive plan, as  
 1284 the case may require.

1285       a. The intergovernmental coordination element shall provide  
 1286 ~~for~~ procedures for identifying and implementing ~~to identify and~~  
 1287 ~~implement~~ joint planning areas, especially for the purpose of  
 1288 annexation, municipal incorporation, and joint infrastructure  
 1289 service areas.

1290       b. The intergovernmental coordination element shall provide  
 1291 for recognition of campus master plans prepared pursuant to s.  
 1292 1013.30.

1293       c. The intergovernmental coordination element may provide  
 1294 for a voluntary dispute resolution process as established  
 1295 pursuant to s. 186.509 for bringing to closure in a timely manner  
 1296 intergovernmental disputes. A local government may develop and  
 1297 use an alternative local dispute resolution process for this  
 1298 purpose.

1299       2. The intergovernmental coordination element shall further  
 1300 state principles and guidelines to be used in coordinating ~~the~~

BILL

ORIGINAL

YEAR

1301 ~~accomplishment of coordination of~~ the adopted comprehensive plan  
 1302 with the plans of school boards and other units of local  
 1303 government providing facilities and services but not having  
 1304 regulatory authority over the use of land. In addition, the  
 1305 intergovernmental coordination element shall describe joint  
 1306 processes for collaborative planning and decisionmaking on  
 1307 population projections and public school siting, the location and  
 1308 extension of public facilities subject to concurrency, and siting  
 1309 facilities with countywide significance, including locally  
 1310 unwanted land uses whose nature and identity are established in  
 1311 an agreement. Within 1 year of adopting their intergovernmental  
 1312 coordination elements, each county, all the municipalities within  
 1313 that county, the district school board, and any unit of local  
 1314 government service providers in that county shall establish by  
 1315 interlocal or other formal agreement executed by all affected  
 1316 entities, the joint processes described in this subparagraph  
 1317 consistent with their adopted intergovernmental coordination  
 1318 elements.

1319       3. To foster coordination between special districts and  
 1320 local general-purpose governments as local general-purpose  
 1321 governments implement local comprehensive plans, each independent  
 1322 special district must submit a public facilities report to the  
 1323 appropriate local government as required by s. 189.415.

1324       4.~~a~~. Local governments adopting a public educational  
 1325 facilities element pursuant to s. 163.31776 must execute an  
 1326 interlocal agreement with the district school board, the county,  
 1327 and nonexempt municipalities, as defined by s. 163.31776(1),  
 1328 which includes the items listed in s. 163.31777(2). The local  
 1329 government shall amend the intergovernmental coordination element

BILL

ORIGINAL

YEAR

to provide that coordination between the local government and school board is pursuant to the agreement and shall state the obligations of the local government under the agreement.

~~b.~~ Plan amendments that comply with this subparagraph are exempt from the provisions of s. 163.3187(1).

~~5. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).~~

~~5.6.~~ By January 1, 2004, any county having a population greater than 100,000, and the municipalities and special districts within that county, shall submit a report to the Department of Community Affairs which identifies:

a. ~~Identifies~~ All existing or proposed interlocal service-delivery agreements regarding the following: education; sanitary sewer; public safety; solid waste; drainage; potable water; parks and recreation; and transportation facilities.

b. ~~Identifies~~ Any deficits or duplication in the provision of services within its jurisdiction, whether capital or operational. Upon request, the Department of Community Affairs shall provide technical assistance to the local governments in identifying deficits or duplication.

~~6.7.~~ Within 6 months after submission of the report, the Department of Community Affairs shall, through the appropriate regional planning council, coordinate a meeting of all local

BILL

ORIGINAL

YEAR

governments within the regional planning area to discuss the reports and potential strategies to remedy any identified deficiencies or duplications.

7.8- Each local government shall update its intergovernmental coordination element based upon the findings in the report submitted pursuant to subparagraph 5.6-. The report may be used as supporting data and analysis for the intergovernmental coordination element.

~~9. By February 1, 2003, representatives of municipalities, counties, and special districts shall provide to the Legislature recommended statutory changes for annexation, including any changes that address the delivery of local government services in areas planned for annexation.~~

(10) The Legislature recognizes the importance and significance of chapter 9J-5, Florida Administrative Code, the Minimum Criteria for Review of Local Government Comprehensive Plans and Determination of Compliance of the Department of Community Affairs that will be used to determine compliance of local comprehensive plans. The Legislature reserved unto itself the right to review chapter 9J-5, Florida Administrative Code, and to reject, modify, or take no action relative to this rule. Therefore, pursuant to subsection (9), the Legislature hereby has reviewed chapter 9J-5, Florida Administrative Code, and expresses the following legislative intent:

(k) So that local governments are able to prepare and adopt comprehensive plans with knowledge of the rules that will be applied to determine consistency of the plans with provisions of this part, it is the intent of the Legislature that there should be no doubt as to the legal standing of chapter 9J-5, Florida



BILL

ORIGINAL

YEAR

1388 Administrative Code, at the close of the 1986 legislative  
 1389 session. Therefore, the Legislature declares that changes made to  
 1390 chapter 9J-5, Florida Administrative Code, prior to October 1,  
 1391 1986, shall not be subject to rule challenges under s. 120.56(2),  
 1392 or to drawout proceedings under s. 120.54(3)(c)2. The entire  
 1393 chapter 9J-5, Florida Administrative Code, as amended, shall be  
 1394 subject to rule challenges under s. 120.56(3), as nothing herein  
 1395 shall be construed to indicate approval or disapproval of any  
 1396 portion of chapter 9J-5, Florida Administrative Code, not  
 1397 specifically addressed herein. ~~No challenge pursuant to s.~~  
 1398 ~~120.56(3) may be filed from July 1, 1987, through April 1, 1993.~~  
 1399 ~~Any amendments to chapter 9J-5, Florida Administrative Code,~~  
 1400 ~~exclusive of the amendments adopted prior to October 1, 1986,~~  
 1401 ~~pursuant to this act, shall be subject to the full chapter 120~~  
 1402 ~~process. All amendments shall have effective dates as provided in~~  
 1403 ~~chapter 120 and submission to the President of the Senate and~~  
 1404 ~~Speaker of the House of Representatives shall not be required.~~  
 1405       Section 32. Subsection (6) of section 163.3178, Florida  
 1406 Statutes, is amended to read:  
 1407       163.3178 Coastal management.--  
 1408       (6) Local governments are encouraged to adopt countywide  
 1409 marina siting plans to designate sites for existing and future  
 1410 marinas. The Coastal Resources Interagency Management Committee,  
 1411 at the direction of the Legislature, shall identify incentives to  
 1412 encourage local governments to adopt such siting plans and  
 1413 uniform criteria and standards to be used by local governments to  
 1414 implement state goals, objectives, and policies relating to  
 1415 marina siting. These criteria must ensure that priority is given  
 1416 to water-dependent land uses. ~~The Coastal Resources Interagency~~

BILL

ORIGINAL

YEAR

1417 ~~Management Committee shall submit its recommendations regarding~~  
 1418 ~~local government incentives to the Legislature by December 1,~~  
 1419 ~~1993.~~ Countywide marina siting plans must be consistent with  
 1420 state and regional environmental planning policies and standards.  
 1421 Each local government in the coastal area which participates in  
 1422 adoption of a countywide marina siting plan shall incorporate the  
 1423 plan into the coastal management element of its local  
 1424 comprehensive plan.

1425       Section 33. Subsection (12) of section 163.519, Florida  
 1426 Statutes, is amended to read:

1427       163.519 Duties of Department of Legal Affairs.--The  
 1428 Department of Legal Affairs shall:

1429       ~~(12) Submit an annual report to the Governor, the President~~  
 1430 ~~of the Senate, the Speaker of the House of Representatives, and~~  
 1431 ~~the minority leaders and appropriate committee chairpersons of~~  
 1432 ~~each house prior to March 1 of each year which contains:~~

1433       ~~(a) A listing of neighborhood improvement districts created~~  
 1434 ~~within the state, and their location.~~

1435       ~~(b) A listing of districts which received funds from the~~  
 1436 ~~Safe Neighborhoods Program.~~

1437       ~~(c) A status report noting each district's progress in~~  
 1438 ~~completing and implementing safe neighborhood improvement plans.~~

1439       Section 34. Subsection (9) of section 186.007, Florida  
 1440 Statutes, is amended to read:

1441       186.007 State comprehensive plan; preparation; revision.--

1442       ~~(9) The Governor shall appoint a committee to review and~~  
 1443 ~~make recommendations as to appropriate revisions to the state~~  
 1444 ~~comprehensive plan that should be considered for the Governor's~~  
 1445 ~~recommendations to the Administration Commission for October 1,~~

BILL

ORIGINAL

YEAR

1446 ~~1999, pursuant to s. 186.008(1). The committee must consist of~~  
 1447 ~~persons from the public and private sectors representing the~~  
 1448 ~~broad range of interests covered by the state comprehensive plan,~~  
 1449 ~~including state, regional, and local government representatives.~~  
 1450 ~~In reviewing the goals and policies contained in chapter 187, the~~  
 1451 ~~committee must identify portions that have become outdated or~~  
 1452 ~~have not been implemented, and, based upon best available data,~~  
 1453 ~~the state's progress toward achieving the goals and policies. In~~  
 1454 ~~reviewing the goals and policies relating to growth and~~  
 1455 ~~development, the committee shall consider the extent to which the~~  
 1456 ~~plan adequately addresses the guidelines set forth in s. 186.009,~~  
 1457 ~~and recommend revisions as appropriate. In addition, the~~  
 1458 ~~committee shall consider and make recommendations on the purpose~~  
 1459 ~~and function of the state land development plan, as set forth in~~  
 1460 ~~s. 380.031(17), including whether said plan should be retained~~  
 1461 ~~and, if so, its future application. The committee may also make~~  
 1462 ~~recommendations as to data and information needed in the~~  
 1463 ~~continuing process to evaluate and update the state comprehensive~~  
 1464 ~~plan. All meetings of the committee must be open to the public~~  
 1465 ~~for input on the state planning process and amendments to the~~  
 1466 ~~state comprehensive plan. The Executive Office of the Governor is~~  
 1467 ~~hereby appropriated \$50,000 in nonrecurring general revenue for~~  
 1468 ~~costs associated with the committee, including travel and per~~  
 1469 ~~diem reimbursement for the committee members.~~

1470       Section 35.   Section 186.022, Florida Statutes, is amended  
 1471 to read:

1472       186.022   Information technology strategic plans.--By June 1  
 1473 of each year, the Financial Management Information Board, ~~the~~  
 1474 ~~Criminal and Juvenile Justice Information Systems Council, and~~

BILL

ORIGINAL

YEAR

1475 the Health Information Systems Council shall each develop and  
 1476 submit to the State Technology Office an information technology  
 1477 strategic plan in a form and manner prescribed in written  
 1478 instructions from the State Technology Office in consultation  
 1479 with the Executive Office of the Governor and the legislative  
 1480 appropriations committees. The State Technology Office shall  
 1481 review each such strategic plan and shall determine whether each  
 1482 such plan is consistent with the State Annual Report on  
 1483 Enterprise Resource Planning and Management and statewide  
 1484 policies adopted by the State Technology Office, and by July 1 of  
 1485 each year shall develop and transmit to each such board and  
 1486 council a written expression of its findings, conclusions, and  
 1487 required changes, if any, with respect to each such strategic  
 1488 plan. If any change to any such strategic plan is required, each  
 1489 affected board and council shall revise its strategic plan to the  
 1490 extent necessary to incorporate such required changes and shall  
 1491 resubmit its strategic plan to the State Technology Office for  
 1492 final approval and acceptance.

1493       Section 36. Subsection (5) of section 189.4035, Florida  
 1494 Statutes, is amended to read:

1495       189.4035 Preparation of official list of special  
 1496 districts.--

1497       (5) The official list of special districts shall be  
 1498 available on the department's website ~~distributed by the~~  
 1499 ~~department on October 1 of each year to the President of the~~  
 1500 ~~Senate, the Speaker of the House of Representatives, the Auditor~~  
 1501 ~~General, the Department of Revenue, the Department of Financial~~  
 1502 ~~Services, the Department of Management Services, the State Board~~  
 1503 ~~of Administration, counties, municipalities, county property~~

BILL

ORIGINAL

YEAR

1504 ~~appraisers, tax collectors, and supervisors of elections and to~~  
1505 ~~all interested parties who request the list.~~

1506       Section 37. Subsection (2) of section 189.412, Florida  
1507 Statutes, is amended to read:

1508       189.412 Special District Information Program; duties and  
1509 responsibilities.--The Special District Information Program of  
1510 the Department of Community Affairs is created and has the  
1511 following special duties:

1512       (2) The maintenance of a master list of independent and  
1513 dependent special districts which shall be available on the  
1514 department's website ~~annually updated and distributed to the~~  
1515 ~~appropriate officials in state and local governments.~~

1516       Section 38. Subsection (2) of section 194.034, Florida  
1517 Statutes, is amended to read:

1518       194.034 Hearing procedures; rules.--

1519       (2) In each case, except when a complaint is withdrawn by  
1520 the petitioner or is acknowledged as correct by the property  
1521 appraiser, the value adjustment board shall render a written  
1522 decision. All such decisions shall be issued within 20 calendar  
1523 days of the last day the board is in session under s. 194.032.  
1524 The decision of the board shall contain findings of fact and  
1525 conclusions of law and shall include reasons for upholding or  
1526 overturning the determination of the property appraiser. When a  
1527 special magistrate has been appointed, the recommendations of the  
1528 special magistrate shall be considered by the board. The clerk,  
1529 upon issuance of the decisions, shall, on a form provided by the  
1530 Department of Revenue, notify by first-class mail each taxpayer  
1531 and, the property appraiser, ~~and the department~~ of the decision  
1532 of the board.

BILL

ORIGINAL

YEAR

1533           Section 39. Paragraph (b) of subsection (1) of section  
1534 206.606, Florida Statutes, is amended to read:  
1535           206.606 Distribution of certain proceeds.--  
1536           (1) Moneys collected pursuant to ss. 206.41(1)(g) and  
1537 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust  
1538 Fund. Such moneys, after deducting the service charges imposed by  
1539 s. 215.20, the refunds granted pursuant to s. 206.41, and the  
1540 administrative costs incurred by the department in collecting,  
1541 administering, enforcing, and distributing the tax, which  
1542 administrative costs may not exceed 2 percent of collections,  
1543 shall be distributed monthly to the State Transportation Trust  
1544 Fund, except that:  
1545           (b) \$2.5 million shall be transferred annually to the State  
1546 Game Trust Fund in the Fish and Wildlife Conservation Commission  
1547 ~~in each fiscal year~~ and used for recreational boating activities,  
1548 and freshwater fisheries management and research. The transfers  
1549 must be made in equal monthly amounts beginning on July 1 of each  
1550 fiscal year. The commission shall annually determine where unmet  
1551 needs exist for boating-related activities, and may fund such  
1552 activities in counties where, due to the number of vessel  
1553 registrations, sufficient financial resources are unavailable.  
1554           1. A minimum of \$1.25 million shall be used to fund local  
1555 projects to provide recreational channel marking, public  
1556 launching facilities, aquatic plant control, and other local  
1557 boating related activities. In funding the projects, the  
1558 commission shall give priority consideration as follows:  
1559           a. Unmet needs in counties with populations of 100,000 or  
1560 less.

BILL

ORIGINAL

YEAR

b. Unmet needs in coastal counties with a high level of boating related activities from individuals residing in other counties.

2. The remaining \$1.25 million may be used for recreational boating activities and freshwater fisheries management and research.

3. The commission is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement a Florida Boating Improvement Program similar to the program administered by the Department of Environmental Protection and established in rules 62D-5.031 - 62D-5.036, Florida Administrative Code, to determine projects eligible for funding under this subsection.

~~On February 1 of each year, The commission shall prepare and make available on its Internet website file an annual report with the President of the Senate and the Speaker of the House of Representatives~~ outlining the status of its Florida Boating Improvement Program, including the projects funded, and a list of counties whose needs are unmet due to insufficient financial resources from vessel registration fees.

Section 40. Paragraph (b) of subsection (4) of section 212.054, Florida Statutes, is amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.--

(4)

(b) The proceeds of a discretionary sales surtax collected by the selling dealer located in a county which imposes the surtax shall be returned, less the cost of administration, to the county where the selling dealer is located. The proceeds shall be

BILL

ORIGINAL

YEAR

1590 transferred to the Discretionary Sales Surtax Clearing Trust  
 1591 Fund. A separate account shall be established in such trust fund  
 1592 for each county imposing a discretionary surtax. The amount  
 1593 deducted for the costs of administration shall not exceed 3  
 1594 percent of the total revenue generated for all counties levying a  
 1595 surtax authorized in s. 212.055. The amount deducted for the  
 1596 costs of administration shall be used only for those costs which  
 1597 are solely and directly attributable to the surtax. The total  
 1598 cost of administration shall be prorated among those counties  
 1599 levying the surtax on the basis of the amount collected for a  
 1600 particular county to the total amount collected for all counties.  
 1601 ~~No later than March 1 of each year, the department shall submit a~~  
 1602 ~~written report which details the expenses and amounts deducted~~  
 1603 ~~for the costs of administration to the President of the Senate,~~  
 1604 ~~the Speaker of the House of Representatives, and the governing~~  
 1605 ~~authority of each county levying a surtax.~~ The department shall  
 1606 distribute the moneys in the trust fund each month to the  
 1607 appropriate counties, unless otherwise provided in s. 212.055.

1608       Section 41. Paragraph (j) of subsection (5) of section  
 1609 212.08, Florida Statutes, is amended to read:

1610       212.08 Sales, rental, use, consumption, distribution, and  
 1611 storage tax; specified exemptions.--The sale at retail, the  
 1612 rental, the use, the consumption, the distribution, and the  
 1613 storage to be used or consumed in this state of the following are  
 1614 hereby specifically exempt from the tax imposed by this chapter.

1615       (5) EXEMPTIONS; ACCOUNT OF USE.--

1616       (j) Machinery and equipment used in semiconductor, defense,  
 1617 or space technology production and research and development.--



BILL

ORIGINAL

YEAR

1618           1.a. Industrial machinery and equipment used in  
1619 semiconductor technology facilities certified under subparagraph  
1620 6. to manufacture, process, compound, or produce semiconductor  
1621 technology products for sale or for use by these facilities are  
1622 exempt from the tax imposed by this chapter. For purposes of this  
1623 paragraph, industrial machinery and equipment includes molds,  
1624 dies, machine tooling, other appurtenances or accessories to  
1625 machinery and equipment, testing equipment, test beds, computers,  
1626 and software, whether purchased or self-fabricated, and, if self-  
1627 fabricated, includes materials and labor for design, fabrication,  
1628 and assembly.

1629           b. Industrial machinery and equipment used in defense or  
1630 space technology facilities certified under subparagraph 6. to  
1631 manufacture, process, compound, or produce defense technology  
1632 products or space technology products for sale or for use by  
1633 these facilities are exempt from 25 percent of the tax imposed by  
1634 this chapter.

1635           2.a. Machinery and equipment are exempt from the tax  
1636 imposed by this chapter if used predominately in semiconductor  
1637 wafer research and development activities in a semiconductor  
1638 technology research and development facility certified under  
1639 subparagraph 6. For purposes of this paragraph, machinery and  
1640 equipment includes molds, dies, machine tooling, other  
1641 appurtenances or accessories to machinery and equipment, testing  
1642 equipment, test beds, computers, and software, whether purchased  
1643 or self-fabricated, and, if self-fabricated, includes materials  
1644 and labor for design, fabrication, and assembly.

1645           b. Machinery and equipment are exempt from 25 percent of  
1646 the tax imposed by this chapter if used predominately in defense

BILL

ORIGINAL

YEAR

1647 or space research and development activities in a defense or  
1648 space technology research and development facility certified  
1649 under subparagraph 6.

1650       3. Building materials purchased for use in manufacturing or  
1651 expanding clean rooms in semiconductor-manufacturing facilities  
1652 are exempt from the tax imposed by this chapter.

1653       4. In addition to meeting the criteria mandated by  
1654 subparagraph 1., subparagraph 2., or subparagraph 3., a business  
1655 must be certified by the Office of Tourism, Trade, and Economic  
1656 Development as authorized in this paragraph in order to qualify  
1657 for exemption under this paragraph.

1658       5. For items purchased tax exempt pursuant to this  
1659 paragraph, possession of a written certification from the  
1660 purchaser, certifying the purchaser's entitlement to exemption  
1661 pursuant to this paragraph, relieves the seller of the  
1662 responsibility of collecting the tax on the sale of such items,  
1663 and the department shall look solely to the purchaser for  
1664 recovery of tax if it determines that the purchaser was not  
1665 entitled to the exemption.

1666       6.a. To be eligible to receive the exemption provided by  
1667 subparagraph 1., subparagraph 2., or subparagraph 3., a  
1668 qualifying business entity shall apply to Enterprise Florida,  
1669 Inc. The application shall be developed by the Office of Tourism,  
1670 Trade, and Economic Development in consultation with Enterprise  
1671 Florida, Inc.

1672       b. Enterprise Florida, Inc., shall review each submitted  
1673 application and information and determine whether or not the  
1674 application is complete within 5 working days. Once an  
1675 application is complete, Enterprise Florida, Inc., shall, within

BILL

ORIGINAL

YEAR

1676 10 working days, evaluate the application and recommend approval  
 1677 or disapproval of the application to the Office of Tourism,  
 1678 Trade, and Economic Development.

1679       c. Upon receipt of the application and recommendation from  
 1680 Enterprise Florida, Inc., the Office of Tourism, Trade, and  
 1681 Economic Development shall certify within 5 working days those  
 1682 applicants who are found to meet the requirements of this section  
 1683 and notify the applicant, Enterprise Florida, Inc., and the  
 1684 department of the certification. If the Office of Tourism, Trade,  
 1685 and Economic Development finds that the applicant does not meet  
 1686 the requirements of this section, it shall notify the applicant  
 1687 and Enterprise Florida, Inc., within 10 working days that the  
 1688 application for certification has been denied and the reasons for  
 1689 denial. The Office of Tourism, Trade, and Economic Development  
 1690 has final approval authority for certification under this  
 1691 section.

1692       ~~7.a.~~ A business may apply once each year for the exemption.

1693       a.b. The application must indicate, for program evaluation  
 1694 purposes only, the average number of full-time equivalent  
 1695 employees at the facility over the preceding calendar year, the  
 1696 average wage and benefits paid to those employees over the  
 1697 preceding calendar year, the total investment made in real and  
 1698 tangible personal property over the preceding calendar year, and  
 1699 the total value of tax-exempt purchases and taxes exempted during  
 1700 the previous year. The department shall assist the Office of  
 1701 Tourism, Trade, and Economic Development in evaluating and  
 1702 verifying information provided in the application for exemption.

1703       b.e. The Office of Tourism, Trade, and Economic Development  
 1704 may use the information reported on the application for

BILL

ORIGINAL

YEAR

evaluation purposes only ~~and shall prepare an annual report on the exemption program and its cost and impact. The annual report for the preceding fiscal year shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by September 30 of each fiscal year.~~

8. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the amount of the exemption for which they may qualify. To receive these funds, the institution must agree to match the funds so earned with equivalent cash, programs, services, or other in-kind support on a one-to-one basis in the pursuit of research and development projects as requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

9. As used in this paragraph, the term:

a. "Predominately" means at least 50 percent of the time in qualifying research and development.

b. "Research and development" means basic and applied research in the science or engineering, as well as the design, development, and testing of prototypes or processes of new or improved products. Research and development does not include market research, routine consumer product testing, sales research, research in the social sciences or psychology, nontechnological activities, or technical services.

c. "Semiconductor technology products" means raw semiconductor wafers or semiconductor thin films that are transformed into semiconductor memory or logic wafers, including

BILL

ORIGINAL

YEAR

1734 wafers containing mixed memory and logic circuits; related  
 1735 assembly and test operations; active-matrix flat panel displays;  
 1736 semiconductor chips; semiconductor lasers; optoelectronic  
 1737 elements; and related semiconductor technology products as  
 1738 determined by the Office of Tourism, Trade, and Economic  
 1739 Development.

1740       d. "Clean rooms" means manufacturing facilities enclosed in  
 1741 a manner that meets the clean manufacturing requirements  
 1742 necessary for high-technology semiconductor-manufacturing  
 1743 environments.

1744       e. "Defense technology products" means products that have a  
 1745 military application, including, but not limited to, weapons,  
 1746 weapons systems, guidance systems, surveillance systems,  
 1747 communications or information systems, munitions, aircraft,  
 1748 vessels, or boats, or components thereof, which are intended for  
 1749 military use and manufactured in performance of a contract with  
 1750 the United States Department of Defense or the military branch of  
 1751 a recognized foreign government or a subcontract thereunder which  
 1752 relates to matters of national defense.

1753       f. "Space technology products" means products that are  
 1754 specifically designed or manufactured for application in space  
 1755 activities, including, but not limited to, space launch vehicles,  
 1756 missiles, satellites or research payloads, avionics, and  
 1757 associated control systems and processing systems. The term does  
 1758 not include products that are designed or manufactured for  
 1759 general commercial aviation or other uses even though those  
 1760 products may also serve an incidental use in space applications.

1761       Section 42. Section 213.0452, Florida Statutes, is  
 1762 repealed.

BILL

ORIGINAL

YEAR

1763           Section 43. Section 213.054, Florida Statutes, is repealed.  
 1764           Section 44. Paragraph (f) of subsection (5) of section  
 1765 215.5601, Florida Statutes, is amended to read:  
 1766           215.5601 Lawton Chiles Endowment Fund.--  
 1767           (5) AVAILABILITY OF FUNDS; USES.--  
 1768           ~~(f) When advised by the Revenue Estimating Conference that~~  
 1769 ~~a deficit will occur with respect to the appropriations from the~~  
 1770 ~~tobacco settlement trust funds of the state agencies in any~~  
 1771 ~~fiscal year, the Governor shall develop a plan of action to~~  
 1772 ~~eliminate the deficit. Before implementing the plan of action,~~  
 1773 ~~the Governor must comply with s. 216.177(2). In developing the~~  
 1774 ~~plan of action, the Governor shall, to the extent possible,~~  
 1775 ~~preserve legislative policy and intent, and, absent any specific~~  
 1776 ~~directions to the contrary in the General Appropriations Act, any~~  
 1777 ~~reductions in appropriations from the tobacco settlement trust~~  
 1778 ~~funds of the state agencies for a fiscal year shall be prorated~~  
 1779 ~~among the specific appropriations made from all tobacco~~  
 1780 ~~settlement trust funds of the state agencies for that year.~~  
 1781           Section 45. Subsection (3) of section 215.70, Florida  
 1782 Statutes, is amended to read:  
 1783           215.70 State Board of Administration to act in case of  
 1784 defaults.--  
 1785           (3) It shall be the duty of the State Board of  
 1786 Administration to monitor the debt service accounts for bonds  
 1787 issued pursuant to this act. The board shall advise the Governor  
 1788 and Legislature of any projected need to appropriate funds to  
 1789 honor the pledge of full faith and credit of the state. The  
 1790 report shall include the estimated amount of appropriations

BILL

ORIGINAL

YEAR

needed, the estimated maximum amount of appropriations needed, and a contingency appropriation request for each bond issue.

Section 46. Paragraph (z) of subsection (1) of section 216.011, Florida Statutes, is amended to read:

216.011 Definitions.--

(1) For the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, each of the following terms has the meaning indicated:

(z) "Long-range program plan" means a plan developed pursuant to s. 216.013 ~~on an annual basis by each state agency that is policy based, priority driven, accountable, and developed through careful examination and justification of all programs and their associated costs. Each plan is developed by examining the needs of agency customers and clients and proposing programs and associated costs to address those needs based on state priorities as established by law, the agency mission, and legislative authorization. The plan provides the framework and context for preparing the legislative budget request and includes performance indicators for evaluating the impact of programs and agency performance.~~

Section 47. Section 216.013, Florida Statutes, is amended to read:

216.013 Long-range program plan.--

~~(1)~~ State agencies and the judicial branch shall develop long-range program plans to achieve state goals using an interagency planning process that includes the development of integrated agency program service outcomes. The plans shall be policy based, priority driven, accountable, and developed through careful examination and justification of all agency and judicial

BILL

ORIGINAL

YEAR

1820 branch programs ~~The plan shall cover a period of 5 fiscal years~~  
 1821 ~~and shall become effective July 1 each year.~~

1822       (1) Long-range program plans shall provide the framework  
 1823 for the development of ~~agency~~ budget requests and shall identify  
 1824 or update:

1825           (a) The agency's or court's mission.  
 1826           (b) The goals established to accomplish the mission.  
 1827           (c) The objectives developed to achieve the goals.  
 1828           (d) The trends and conditions relevant to the mission,  
 1829 goals, and objectives.

1830       (e)-(a) ~~Identify agency programs and address how agency~~ The  
 1831 agency or court programs that will be used to implement state  
 1832 policy and achieve state goals and ~~program component~~ objectives. ~~†~~

1833           (f) The program outcomes and standards to measure progress  
 1834 toward program objectives.

1835       ~~(b) Identify and describe agency functions and how they~~  
 1836 ~~will be used to achieve designated outcomes;†~~

1837       ~~(c) Identify demand, output, total costs, and unit costs~~  
 1838 ~~for each function;†~~

1839       (g)-(d) Provide Information regarding performance  
 1840 measurement, which includes, but is not limited to, how data is  
 1841 collected, the methodology used to measure a performance  
 1842 indicator, the validity and reliability of a measure, the  
 1843 appropriateness of a measure, and whether the agency inspector  
 1844 general has assessed the reliability and validity of agency  
 1845 performance measures, pursuant to s. 20.055(2). ~~†~~

1846       ~~(e) Identify and justify facility and fixed capital outlay~~  
 1847 ~~projects and their associated costs; and~~



BILL

ORIGINAL

YEAR

~~(f) Identify and justify information technology infrastructure and applications and their associated costs for information technology projects or initiatives.~~

(2) Each long-range program plan shall cover a period of 5 fiscal years, be revised annually, and remain in effect until replaced or revised ~~All agency functions and their costs shall be carefully evaluated and justified by the agency. The justification must clearly demonstrate the needs of agency customers and clients and why the agency is proposing functions and their associated costs to address the needs based on state priorities, the agency mission, and legislative authorization. Further, the justification must show how agency functions are integrated and contribute to the overall achievement of state goals. Facilities, fixed capital outlay and information technology infrastructure, and applications shall be evaluated pursuant to ss. 216.0158, 216.043, and 216.0446, respectively.~~

(3) Long-range program plans or revisions shall be presented by state agencies and the judicial branch in a form, manner, and timeframe prescribed in written instructions prepared by submitted to the Executive Office of the Governor in consultation with ~~by August 1 of each year in a form and manner prescribed by the Executive Office of the Governor and the chairs of the legislative appropriations committees. Such long-range program plans for the Judicial Branch shall be submitted by the Chief Justice of the Supreme Court to the President of the Senate and the Speaker of the House of Representatives, and a copy shall be provided to the Executive Office of the Governor.~~

~~(4) The Executive Office of the Governor shall review the long-range program plans for executive agencies to ensure that~~

BILL

ORIGINAL

YEAR

1877 ~~they are consistent with the state's goals and objectives and~~  
 1878 ~~other requirements as specified in the written instructions and~~  
 1879 ~~that they provide the framework and context for the agency's~~  
 1880 ~~budget request.~~

1881 ~~(5) Executive agencies shall incorporate all revisions~~  
 1882 ~~required by the Governor within 14 working days.~~

1883 ~~(6) Any differences between executive agencies regarding~~  
 1884 ~~the programs, policies, or long-range program plans of such~~  
 1885 ~~agencies shall be mediated by the Executive Office of the~~  
 1886 ~~Governor.~~

1887 (4)(7) Each state executive agency and the judicial branch  
 1888 shall post its long-range program plan on its Internet website  
 1889 ~~transmit copies of its long-range program plan and all written~~  
 1890 ~~comments on its plan to the President of the Senate and the~~  
 1891 ~~Speaker of the House of Representatives not later than September~~  
 1892 30 of each year and provide written notice to the Governor and  
 1893 Legislature that the plans have been posted 60 days prior to the  
 1894 ~~next regular session of the Legislature.~~

1895 ~~(8) Long-range program plans developed pursuant to this~~  
 1896 ~~chapter are not rules and therefore are not subject to the~~  
 1897 ~~provisions of chapter 120.~~

1898 (5)(9) Following the adoption of the annual General  
 1899 Appropriations Act, each state agency agencies and the judicial  
 1900 branch shall make appropriate adjustments to its their long-range  
 1901 program plan plans to be consistent with the appropriations and  
 1902 performance measures in the General Appropriations Act and  
 1903 legislation implementing the General Appropriations Act. Each  
 1904 agency Agencies and the judicial branch has have until June 15 to  
 1905 make adjustments to its plan as posted on its Internet website

	BILL	ORIGINAL	YEAR
--	------	----------	------

1906	<del>their plans and submit the adjusted plans to the Executive Office</del>		
1907	<del>of the Governor for review.</del>		

1908	<u>(6) Long-range program plans developed pursuant to this</u>		
1909	<u>chapter are not rules and, therefore, are not subject to chapter</u>		
1910	<u>120.</u>		

1911	Section 48. <u>Section 216.103, Florida Statutes, is repealed.</u>		
------	--	--	--

1912	Section 49. <u>Section 216.172, Florida Statutes, is repealed.</u>		
------	--	--	--

1913	Section 50. Subsection (10) of section 216.181, Florida		
1914	Statutes, is amended to read:		

1915	216.181 Approved budgets for operations and fixed capital		
1916	outlay.--		

1917	(10) (a) The Executive Office of the Governor and the Chief		
1918	Justice of the Supreme Court may increase or decrease the		
1919	approved salary rate for positions for the purpose of		
1920	implementing the General Appropriations Act, special		
1921	appropriations acts, and actions pursuant to s. 216.262		
1922	consistent with legislative intent and policy. Other adjustments		
1923	to approved salary rate must be approved by the Legislative		
1924	Budget Commission pursuant to the request of the agency filed		
1925	with the Executive Office of the Governor or pursuant to the		
1926	request of an entity of the judicial branch filed with the Chief		
1927	Justice of the Supreme Court, if deemed necessary and in the best		
1928	interest of the state and consistent with legislative policy and		
1929	intent. The provisions of this paragraph are subject to the		
1930	notice and review procedures set forth in s. 216.177.		

1931	(b) Lump-sum salary bonuses may be provided only if		
1932	specifically appropriated or provided pursuant to s. 110.1245 or		
1933	s. 216.1815.		

BILL

ORIGINAL

YEAR

1934        ~~(c) State agencies and the judicial branch shall report,~~  
 1935        ~~each fiscal quarter, the number of filled positions, the number~~  
 1936        ~~of vacant positions, and the salary rate associated with each~~  
 1937        ~~category to the Legislative Budget Commission in a form and~~  
 1938        ~~manner prescribed by the commission.~~

1939        Section 51.    Section 216.1825, Florida Statutes, is  
 1940        repealed.

1941        Section 52.    Subsection (5) of section 252.55, Florida  
 1942        Statutes, is amended to read:

1943                252.55   Civil Air Patrol, Florida Wing.--

1944                (5)    The wing commander of the Florida Wing of the Civil Air  
 1945        Patrol shall biennially furnish the Bureau of Emergency  
 1946        Management a 2-year ~~an annual~~ projection of the goals and  
 1947        objectives of the Civil Air Patrol ~~for the following year.~~ These  
 1948        will be reported ~~to the Governor~~ in the division's biennial  
 1949        ~~annual~~ report submitted pursuant to s. 252.35 ~~of the division on~~  
 1950        ~~February 1 of each year.~~

1951        Section 53.    Subsection (1) of section 253.7825, Florida  
 1952        Statutes, is amended to read:

1953                253.7825   Recreational uses.--

1954                (1)    The Cross Florida Greenways State Recreation and  
 1955        Conservation Area must be managed as a multiple-use area pursuant  
 1956        to s. 253.034(2)(a), and as further provided herein. ~~The~~  
 1957        ~~University of Florida Management Plan provides a conceptual~~  
 1958        ~~recreational plan that may ultimately be developed at various~~  
 1959        ~~locations throughout the greenways corridor. The plan proposes to~~  
 1960        ~~locate a number of the larger, more comprehensive and complex~~  
 1961        ~~recreational facilities in sensitive, natural resource areas.~~  
 1962        Future site-specific studies and investigations must be conducted

BILL

ORIGINAL

YEAR

1963 by the department to determine compatibility with, and potential  
1964 for adverse impact to, existing natural resources, need for the  
1965 facility, the availability of other alternative locations with  
1966 reduced adverse impacts to existing natural resources, and the  
1967 proper specific sites and locations for the more comprehensive  
1968 and complex facilities. Furthermore, it is appropriate, with the  
1969 approval of the department, to allow more fishing docks, boat  
1970 launches, and other user-oriented facilities to be developed and  
1971 maintained by local governments.

1972       Section 54. Section 253.7826, Florida Statutes, is  
1973 repealed.

1974       Section 55. Section 253.7829, Florida Statutes, is  
1975 repealed.

1976       Section 56. Subsection (4) of section 259.037, Florida  
1977 Statutes, is amended to read:

1978       259.037 Land Management Uniform Accounting Council.--

1979       (4) The council shall provide a report of the agencies'  
1980 expenditures pursuant to the adopted categories ~~to the President~~  
1981 ~~of the Senate and the Speaker of the House of Representatives~~  
1982 ~~annually, beginning July 1, 2001. The council shall also provide~~  
1983 ~~this report~~ to the Acquisition and Restoration Council for  
1984 inclusion in its annual report required pursuant to s. 259.105.

1985       Section 57. Section 265.56, Florida Statutes, is repealed.

1986       Section 58. Subsection (4) of section 267.074, Florida  
1987 Statutes, is amended to read:

1988       267.074 State Historical Marker Program.--The division  
1989 shall coordinate and direct the State Historical Marker Program,  
1990 which shall be a program of popular history and heritage designed  
1991 to inform the general public about persons, events, structures,

BILL

ORIGINAL

YEAR

1992	and other topics relating to the history and culture of the
1993	state; encourage interest in preserving the historical resources
1994	of the state and its localities; promote a sense of community and
1995	place among Florida citizens; and provide for the enjoyment and
1996	edification of tourists.
1997	<del>(4) The division shall develop a comprehensive plan for the</del>
1998	<del>State Historical Marker Program which shall be kept up to date</del>
1999	<del>and shall incorporate goals and objectives of the program, as</del>
2000	<del>well as policies, plans, and procedures relating to:</del>
2001	<del>(a) Categories of Official Florida Historical Markers,</del>
2002	<del>eriteria for their use, and specifications for design.</del>
2003	<del>(b) Selection of subjects to be marked.</del>
2004	<del>(c) Published guides to Official Florida Historical</del>
2005	<del>Markers, including methods for public distribution.</del>
2006	<del>(d) Maintenance of markers.</del>
2007	<del>(e) Removal or replacement of markers.</del>
2008	<del>(f) Placement of markers at historic sites which shall be,</del>
2009	<del>in general, conspicuous and accessible to and easily reached by</del>
2010	<del>the public and where something associated with the person,</del>
2011	<del>historic property, event, or other subject being marked is still</del>
2012	<del>visible.</del>
2013	<del>(g) Physical placement of the markers which shall be, in</del>
2014	<del>general, conspicuous and easily reached by the public.</del>
2015	Section 59. <u>Section 272.121, Florida Statutes, is repealed.</u>
2016	Section 60. Subsection (28) of section 282.102, Florida
2017	Statutes, is amended to read:
2018	282.102 Creation of the State Technology Office; powers and
2019	duties.--There is created a State Technology Office within the
2020	Department of Management Services. The office shall be a separate

BILL

ORIGINAL

YEAR

2021 budget entity, and shall be headed by a Chief Information Officer  
 2022 who is appointed by the Governor and is in the Senior Management  
 2023 Service. The Chief Information Officer shall be an agency head  
 2024 for all purposes. The Department of Management Services shall  
 2025 provide administrative support and service to the office to the  
 2026 extent requested by the Chief Information Officer. The office may  
 2027 adopt policies and procedures regarding personnel, procurement,  
 2028 and transactions for State Technology Office personnel. The  
 2029 office shall have the following powers, duties, and functions:

2030       ~~(28) To study and make a recommendation to the Governor and~~  
 2031 ~~Legislature on the feasibility of implementing online voting in~~  
 2032 ~~this state.~~

2033       Section 61. Subsection (3) of section 284.50, Florida  
 2034 Statutes, is amended to read:

2035       284.50 Loss prevention program; safety coordinators;  
 2036 Interagency Advisory Council on Loss Prevention; employee  
 2037 recognition program.--

2038       ~~(3) The council and each department head shall report~~  
 2039 ~~annually to the Governor by January 15 preceding any regular~~  
 2040 ~~legislative session any actions taken to prevent job-related~~  
 2041 ~~employee accidents, together with suggestions of safeguards and~~  
 2042 ~~improvements.~~

2043       Section 62. Subsection (11) of section 287.045, Florida  
 2044 Statutes, is amended to read:

2045       287.045 Procurement of products and materials with recycled  
 2046 content.--

2047       ~~(11) Each agency shall report annually to the department~~  
 2048 ~~its total expenditures on, and use of, products with recycled~~  
 2049 ~~content and the percentage of its budget that represents~~

BILL

ORIGINAL

YEAR

2050 ~~purchases of similar products made from virgin materials. The~~  
 2051 ~~department shall design a uniform reporting mechanism and prepare~~  
 2052 ~~annual summaries of statewide purchases delineating those with~~  
 2053 ~~recycled content to be submitted to the Governor, the President~~  
 2054 ~~of the Senate, and the Speaker of the House of Representatives.~~

2055       Section 63. Subsection (15) of section 287.059, Florida  
 2056 Statutes, is amended to read:

2057           287.059 Private attorney services.--

2058       (15) The Attorney General's office may, by rule, adopt  
 2059 standard fee schedules for court reporting services for each  
 2060 judicial circuit in consultation with the Florida Court Reporters  
 2061 Association. Agencies, when contracting for court reporting  
 2062 services, must use the standard fee schedule for court reporting  
 2063 services established pursuant to this section, provided no state  
 2064 contract is applicable or unless the head of the agency or his or  
 2065 her designee waives use of the schedule and sets forth the  
 2066 reasons for deviating from the schedule in writing to the  
 2067 Attorney General. Such waiver must demonstrate necessity based  
 2068 upon criteria for deviation from the schedule which the Attorney  
 2069 General shall establish by rule. ~~Any proposed fee schedule under~~  
 2070 ~~this section shall be submitted to the Governor, the Speaker of~~  
 2071 ~~the House of Representatives, the President of the Senate, and~~  
 2072 ~~the Chief Justice of the Florida Supreme Court at least 60 days~~  
 2073 ~~prior to publication of the notice to adopt the rule.~~

2074       Section 64. Subsection (10) of section 287.16, Florida  
 2075 Statutes, is amended to read:

2076           287.16 Powers and duties of department.--The Department of  
 2077 Management Services shall have the following powers, duties, and  
 2078 responsibilities:



BILL

ORIGINAL

YEAR

2079        ~~(10) To provide the Legislature annual reports at the end~~  
 2080 ~~of each calendar year concerning the utilization of all aircraft~~  
 2081 ~~in the executive pool.~~

2082        Section 65. Paragraph (d) of subsection (6) of section  
 2083 288.1045, Florida Statutes, is amended to read:

2084        288.1045 Qualified defense contractor tax refund program.--

2085        (6) ADMINISTRATION.--

2086        ~~(d) By December 1 of each year, the office shall submit a~~  
 2087 ~~complete and detailed report to the Governor, the President of~~  
 2088 ~~the Senate, and the Speaker of the House of Representatives of~~  
 2089 ~~all tax refunds paid under this section, including analyses of~~  
 2090 ~~benefits and costs, types of projects supported, employment and~~  
 2091 ~~investment created, geographic distribution of tax refunds~~  
 2092 ~~granted, and minority business participation. The report must~~  
 2093 ~~indicate whether the moneys appropriated by the Legislature to~~  
 2094 ~~the qualified applicant tax refund program were expended in a~~  
 2095 ~~prudent, fiducially sound manner.~~

2096        Section 66. Subsection (7) of section 288.108, Florida  
 2097 Statutes, is amended to read:

2098        288.108 High-impact business.--

2099        ~~(7) REPORTING. The office shall by December 1 of each year~~  
 2100 ~~issue a complete and detailed report of all designated high-~~  
 2101 ~~impact sectors, all applications received and their disposition,~~  
 2102 ~~all final orders issued, and all payments made, including~~  
 2103 ~~analyses of benefits and costs, types of projects supported, and~~  
 2104 ~~employment and investments created. The report shall be submitted~~  
 2105 ~~to the Governor, the President of the Senate, and the Speaker of~~  
 2106 ~~the House of Representatives.~~

BILL

ORIGINAL

YEAR

2107           Section 67. Section 288.1185, Florida Statutes, is  
2108 repealed.

2109           Section 68. Subsection (6) of section 288.1226, Florida  
2110 Statutes, is amended to read:

2111           288.1226 Florida Tourism Industry Marketing Corporation;  
2112 use of property; board of directors; duties; audit.--

2113           (6) ANNUAL AUDIT.--The corporation shall provide for an  
2114 annual financial audit in accordance with s. 215.981. The annual  
2115 audit report shall be submitted to the Auditor General; the  
2116 Office of Policy Analysis and Government Accountability; and the  
2117 Office of Tourism, Trade, and Economic Development for review.  
2118 The Office of Program Policy Analysis and Government  
2119 Accountability; the Office of Tourism, Trade, and Economic  
2120 Development; and the Auditor General have the authority to  
2121 require and receive from the corporation or from its independent  
2122 auditor any detail or supplemental data relative to the operation  
2123 of the corporation. ~~The Office of Tourism, Trade, and Economic~~  
2124 ~~Development shall annually certify whether the corporation is~~  
2125 ~~operating in a manner and achieving the objectives that are~~  
2126 ~~consistent with the policies and goals of the commission and its~~  
2127 ~~long range marketing plan.~~ The identity of a donor or prospective  
2128 donor to the corporation who desires to remain anonymous and all  
2129 information identifying such donor or prospective donor are  
2130 confidential and exempt from the provisions of s. 119.07(1) and  
2131 s. 24(a), Art. I of the State Constitution. Such anonymity shall  
2132 be maintained in the auditor's report.

2133           Section 69. Paragraph (e) of subsection (8) of section  
2134 288.1229, Florida Statutes, is amended to read:

BILL

ORIGINAL

YEAR

2135           288.1229   Promotion and development of sports-related  
2136 industries and amateur athletics; direct-support organization;  
2137 powers and duties.--

2138           (8)   To promote amateur sports and physical fitness, the  
2139 direct-support organization shall:

2140           (e)   Promote Florida as a host for national and  
2141 international amateur athletic competitions. ~~As part of this~~  
2142 ~~effort, the direct support organization shall:~~

2143           ~~1.   Assist and support Florida cities or communities bidding~~  
2144 ~~or seeking to host the Summer Olympics or Pan American Games.~~

2145           ~~2.   Annually report to the Governor, the President of the~~  
2146 ~~Senate, and the Speaker of the House of Representatives on the~~  
2147 ~~status of the efforts of cities or communities bidding to host~~  
2148 ~~the Summer Olympics or Pan American Games, including, but not~~  
2149 ~~limited to, current financial and infrastructure status,~~  
2150 ~~projected financial and infrastructure needs, and recommendations~~  
2151 ~~for satisfying the unmet needs and fulfilling the requirements~~  
2152 ~~for a successful bid in any year that the Summer Olympics or Pan~~  
2153 ~~American Games are held in this state.~~

2154           Section 70.   Subsection (4) of section 288.7015, Florida  
2155 Statutes, is amended to read:

2156           288.7015   Appointment of rules ombudsman; duties.--The  
2157 Governor shall appoint a rules ombudsman, as defined in s.  
2158 288.703, in the Executive Office of the Governor, for considering  
2159 the impact of agency rules on the state's citizens and  
2160 businesses. In carrying out duties as provided by law, the  
2161 ombudsman shall consult with Enterprise Florida, Inc., at which  
2162 point the office may recommend to improve the regulatory

BILL

ORIGINAL

YEAR

2163 environment of this state. The duties of the rules ombudsman are  
2164 to:

2165       ~~(4)(a) By December 1, 1997, and annually thereafter, submit~~  
2166 ~~a report to the Legislature identifying and describing the extent~~  
2167 ~~to which rules of state agencies adversely impact trade~~  
2168 ~~promotion, economic growth and diversification in Florida,~~  
2169 ~~business profitability and viability, and, in particular, the~~  
2170 ~~startup of new businesses. The report must specifically identify~~  
2171 ~~and describe those agency rules repealed or modified during each~~  
2172 ~~calendar year in order to improve the regulatory climate for~~  
2173 ~~businesses operating in this state. The report must also identify~~  
2174 ~~those proposed rules for review and possible repeal or~~  
2175 ~~modification in the next calendar year.~~

2176       ~~(b) The report must also specifically identify and describe~~  
2177 ~~the use and impact of state economic development incentives on~~  
2178 ~~minority owned businesses. The report must detail how many~~  
2179 ~~minority owned businesses received state economic development~~  
2180 ~~incentives administered by the Office of Tourism, Trade, and~~  
2181 ~~Economic Development, including private activity bonds, and the~~  
2182 ~~JOBs benefit.~~

2183       Section 71. Section 288.7771, Florida Statutes, is amended  
2184 to read:

2185       288.7771 Annual report of Florida Export Finance  
2186 Corporation.--~~By March 31 of each year, The corporation shall~~  
2187 annually prepare and submit to Enterprise Florida, Inc., for  
2188 inclusion in its annual report required under s. 288.095 the  
2189 ~~Governor, the President of the Senate, the Speaker of the House~~  
2190 ~~of Representatives, the Senate Minority Leader, and the House~~  
2191 ~~Minority Leader~~ a complete and detailed report setting forth:

BILL

ORIGINAL

YEAR

2192           (1) The report required in s. 288.776(3).

2193           (2) Its assets and liabilities at the end of its most

2194 recent fiscal year.

2195           Section 72. Subsections (8), (9), (10), and (11) of section

2196 288.8175, Florida Statutes, are amended to read:

2197           288.8175 Linkage institutes between postsecondary

2198 institutions in this state and foreign countries.--

2199           ~~(8) No later than 60 days before every regular session of~~

2200 ~~the Legislature, the department shall present to the Speaker of~~

2201 ~~the House of Representatives, the President of the Senate, and~~

2202 ~~the minority leaders of the House of Representatives and the~~

2203 ~~Senate a review of linkage institute program activity, criteria~~

2204 ~~for their operation, accountability standards, recommended~~

2205 ~~funding levels, and recommendations for establishing,~~

2206 ~~maintaining, or abolishing linkage institutes. The criteria shall~~

2207 ~~be developed in consultation with Enterprise Florida, Inc. The~~

2208 ~~criteria must include, but need not be limited to, the purpose~~

2209 ~~stated in subsection (2) and:~~

2210           ~~(a) The importance of economic, political, and social ties~~

2211 ~~between this state and the country or region.~~

2212           ~~(b) The potential for growth and expansion of commercial,~~

2213 ~~educational, and cultural links.~~

2214           ~~(c) The viability of regionally oriented, rather than~~

2215 ~~country-specific, linkages, based on historical or emerging~~

2216 ~~regional economic or political trading blocs.~~

2217           ~~(9) A linkage institute may not be created or funded except~~

2218 ~~upon the recommendation of the department and except by amendment~~

2219 ~~to this section.~~

2220

BILL

ORIGINAL

YEAR

2221        ~~(10) The department shall review and make linkage institute~~  
 2222        ~~budget requests to the Governor and the Legislature. State~~  
 2223        ~~appropriations for institutes created under this section must be~~  
 2224        ~~made by a single lump-sum line item to the department, which must~~  
 2225        ~~apportion the funds among the various institutes in accordance~~  
 2226        ~~with criteria established by the department.~~

2227        ~~(11) Linkage institutes may also accept and administer~~  
 2228        ~~moneys provided by the department for research and development of~~  
 2229        ~~international trade. The department shall, by March 1, report to~~  
 2230        ~~the Governor, the President of the Senate, and the Speaker of the~~  
 2231        ~~House of Representatives in each year in which the department has~~  
 2232        ~~provided moneys for a linkage institute. The report must detail~~  
 2233        ~~the purpose of the expenditure by the department and the use of~~  
 2234        ~~the moneys by the linkage institutes and must include a copy of~~  
 2235        ~~the research documents or related materials produced, if any.~~

2236        Section 73. Subsection (5) of section 288.853, Florida  
 2237        Statutes, is amended to read:

2238        288.853 International sanctions against Castro  
 2239        government.--

2240        ~~(5) Furthermore, contingent upon annual appropriation, to~~  
 2241        ~~the extent covered by the report submitted by the President~~  
 2242        ~~according to s. 108 of the Cuban Liberty and Democratic~~  
 2243        ~~Solidarity Act of 1996, and until such time as the President~~  
 2244        ~~submits a determination under s. 203(c)(1) of the Cuban Liberty~~  
 2245        ~~and Democratic Solidarity Act of 1996, the Governor shall submit~~  
 2246        ~~an annual report to the President of the Senate and the Speaker~~  
 2247        ~~of the House of Representatives on assistance to and commerce~~  
 2248        ~~with Cuba by citizens and legal residents of Florida. Each report~~  
 2249        ~~shall contain:~~

BILL

ORIGINAL

YEAR

2250        ~~(a) Identification of Cuba's trading partners and the~~  
2251        ~~extent of such trade.~~

2252        ~~(b) A description of joint ventures completed or under~~  
2253        ~~consideration by foreign nationals and business firms located in~~  
2254        ~~or doing business in Florida involving facilities in Cuba.~~

2255        ~~(c) A determination as to whether any facilities are~~  
2256        ~~claimed by a citizen of Florida.~~

2257        ~~(d) Steps taken to assure that raw materials and~~  
2258        ~~semifinished or finished goods produced by facilities in Cuba~~  
2259        ~~involving Cuban and/or foreign nationals or businesses are not~~  
2260        ~~entering the Florida market.~~

2261        Section 74. Subsection (5) of section 288.95155, Florida  
2262        Statutes, is amended to read:

2263        288.95155   Florida Small Business Technology Growth  
2264        Program. --

2265        (5) ~~By January 1 of each year,~~ Enterprise Florida, Inc.,  
2266        shall prepare and include a report on the financial status of the  
2267        program in its annual report required under s. 288.095 ~~and the~~  
2268        ~~account and shall submit a copy of the report to the board of~~  
2269        ~~directors of Enterprise Florida, Inc., the appropriate~~  
2270        ~~legislative committees responsible for economic development~~  
2271        ~~oversight, and the appropriate legislative appropriations~~  
2272        ~~subcommittees.~~ The report shall specify the assets and  
2273        liabilities of the account within the current fiscal year and  
2274        shall include a portfolio update that lists all of the businesses  
2275        assisted, the private dollars leveraged by each business  
2276        assisted, and the growth in sales and in employment of each  
2277        business assisted.

BILL

ORIGINAL

YEAR

2278           Section 75. Paragraph (c) of subsection (4) of section  
2279   288.9604, Florida Statutes, is amended to read:

2280           288.9604   Creation of the authority.--

2281           (4)

2282           (c) The directors of the corporation shall annually elect  
2283   one of their members as chair and one as vice chair. The  
2284   corporation may employ a president, technical experts, and such  
2285   other agents and employees, permanent and temporary, as it  
2286   requires and determine their qualifications, duties, and  
2287   compensation. For such legal services as it requires, the  
2288   corporation may employ or retain its own counsel and legal staff.  
2289   ~~The corporation shall file with the governing body of each public~~  
2290   ~~agency with which it has entered into an interlocal agreement and~~  
2291   ~~with the Governor, the Speaker of the House of Representatives,~~  
2292   ~~the President of the Senate, the Minority Leaders of the Senate~~  
2293   ~~and House of Representatives, and the Auditor General, on or~~  
2294   ~~before 90 days after the close of the fiscal year of the~~  
2295   ~~corporation, a report of its activities for the preceding fiscal~~  
2296   ~~year, which report shall include a complete financial statement~~  
2297   ~~setting forth its assets, liabilities, income, and operating~~  
2298   ~~expenses as of the end of such fiscal year.~~

2299           Section 76. Section 288.9610, Florida Statutes, is amended  
2300   to read:

2301           288.9610   Annual reports of Florida Development Finance  
2302   Corporation.--On or before 90 days after the close of ~~By December~~  
2303   ~~1 of each year,~~ the Florida Development Finance Corporation's  
2304   fiscal year, the corporation shall submit to the Governor, the  
2305   Legislature ~~President of the Senate, the Speaker of the House of~~  
2306   ~~Representatives, the Senate Minority Leader, the House Minority~~



BILL

ORIGINAL

YEAR

2307 ~~Leader,~~ the Auditor General, and the governing body of each  
 2308 public entity with which it has entered into an interlocal  
 2309 agreement ~~city or county activating the Florida Development~~  
 2310 ~~Finance Corporation~~ a complete and detailed report setting forth:  
 2311       (1) The results of any audit conducted pursuant to s. 11.45  
 2312 ~~The evaluation required in s. 11.45(3)(j).~~  
 2313       (2) The activities, operations, and accomplishments of the  
 2314 Florida Development Finance Corporation, including the number of  
 2315 businesses assisted by the corporation.  
 2316       (3) Its assets, ~~and~~ liabilities, income, and operating  
 2317 expenses at the end of its most recent fiscal year, including a  
 2318 description of all of its outstanding revenue bonds.  
 2319       Section 77. Subsection (3) of section 292.04, Florida  
 2320 Statutes, is amended to read:  
 2321       292.04 Florida Commission on Veterans' Affairs.--  
 2322       ~~(3)(a) It is the duty of the commission to conduct a~~  
 2323 ~~biennial survey of possible contributions that veterans or state~~  
 2324 ~~organizations of veterans and their auxiliaries could make to the~~  
 2325 ~~state and to report the results of the survey to the department~~  
 2326 ~~together with recommendations for encouraging such contributions.~~  
 2327       ~~(b)~~ The commission shall work with the various veterans'  
 2328 organizations and their auxiliaries within the state and shall  
 2329 function as a liaison between such organizations and the  
 2330 department on matters pertaining to veterans.  
 2331       Section 78. Subsection (6) of section 292.05, Florida  
 2332 Statutes, is amended to read:  
 2333       292.05 Duties of Department of Veterans' Affairs.--  
 2334       (6) The department shall, by ~~on~~ December 31 of each year,  
 2335 submit ~~make~~ an annual written report to the Governor, the

BILL

ORIGINAL

YEAR

2336   Cabinet, and the Legislature that shall describe: ~~of the state,~~  
2337   ~~the Speaker of the House of Representatives, and the President of~~  
2338   ~~the Senate, which report shall show~~

2339       (a)   The expenses incurred in veteran service work in the  
2340   state; the number, nature, and kind of cases handled by the  
2341   department and by county and city veteran service officers of the  
2342   state; the amounts of benefits obtained for veterans; the names  
2343   and addresses of all certified veteran service officers,  
2344   including county and city veteran service officers. The report  
2345   shall also describe the actions taken by the department in  
2346   implementing subsections (4), (5), and (7) and shall contain such  
2347   other information and recommendations as may appear to the  
2348   department to be right and proper.

2349       (b)   The current status of the department's domiciliary and  
2350   nursing homes established pursuant to chapter 296, including all  
2351   receipts and expenditures, the condition of the homes, the number  
2352   of residents received and discharged during the preceding year,  
2353   occupancy rates, staffing, and any other information necessary to  
2354   providing an understanding of the management, conduct, and  
2355   operation of the homes.

2356       Section 79.   Section 296.16, Florida Statutes, is repealed.

2357       Section 80.   Section 296.39, Florida Statutes, is repealed.

2358       Section 81.   Paragraph (c) of subsection (12) of section  
2359   315.03, Florida Statutes, is amended to read:

2360       315.03   Grant of powers.--Each unit is hereby authorized and  
2361   empowered:

2362       (12)

BILL

ORIGINAL

YEAR

2363        ~~(c) The Legislature shall review the loan program~~  
2364        ~~established pursuant to this subsection during the 2004 Regular~~  
2365        ~~Session of the Legislature.~~

2366        Section 82. Subsection (2) of section 319.324, Florida  
2367        Statutes, is amended to read:

2368        319.324 Odometer fraud prevention and detection; funding.--

2369        (2) Moneys deposited into the Highway Safety Operating  
2370        Trust Fund under this section shall be used to implement and  
2371        maintain efforts by the department to prevent and detect odometer  
2372        fraud, including the prompt investigation of alleged instances of  
2373        odometer mileage discrepancies reported by licensed motor vehicle  
2374        dealers, auctions, or purchasers of motor vehicles. ~~Such moneys~~  
2375        ~~shall also be used to fund an annual report to the Legislature by~~  
2376        ~~the Department of Highway Safety and Motor Vehicles, summarizing~~  
2377        ~~the department's investigations and findings. In addition, moneys~~  
2378        ~~deposited into the fund may be used by the department for general~~  
2379        ~~operations.~~

2380        Section 83. Section 322.181, Florida Statutes, is amended  
2381        to read:

2382        322.181 Advisory council on the Study of effects of aging  
2383        on driving ability; ~~advisory council.~~--

2384        ~~(1) The Department of Highway Safety and Motor Vehicles~~  
2385        ~~shall study the effects of aging on driving ability. The purpose~~  
2386        ~~of the study is to develop a comprehensive approach to licensing~~  
2387        ~~drivers.~~

2388        ~~(2) Issues to be studied by the department shall include~~  
2389        ~~the.~~

BILL

ORIGINAL

YEAR

2390        ~~(a) Effective and efficient identification of drivers at~~  
 2391 ~~risk of being involved in a motor vehicle accident because of~~  
 2392 ~~functional limitations that affect their driving ability;~~  
 2393        ~~(b) Prevalence and effect of degenerative processes~~  
 2394 ~~affecting vision, hearing, mobility, cognitive functions, and~~  
 2395 ~~reaction time;~~  
 2396        ~~(c) Implementation and effect of the department's vision~~  
 2397 ~~screening requirements and examination of new technologies;~~  
 2398        ~~(d) Availability and effectiveness of remedial measures~~  
 2399 ~~such as skills training, adaptive equipment, physical therapy,~~  
 2400 ~~and adjustment of driving practices that will allow people to~~  
 2401 ~~drive safely for as long as possible;~~  
 2402        ~~(e) Availability of alternative forms of transportation for~~  
 2403 ~~people who can no longer safely drive; and~~  
 2404        ~~(f) Effectiveness of existing public education initiatives~~  
 2405 ~~relating to at risk drivers.~~  
 2406        ~~(3) The department shall report the results of the study to~~  
 2407 ~~the President of the Senate and the Speaker of the House of~~  
 2408 ~~Representatives by February 1, 2004. The report shall include~~  
 2409 ~~findings of the study and recommendations for improving the~~  
 2410 ~~safety of at risk drivers.~~  
 2411        ~~(4)~~ The department shall appoint an advisory council to  
 2412 ~~participate in the study and to~~ advise the department on issues  
 2413 related to older at-risk drivers on an ongoing basis. The council  
 2414 shall be known as the Florida At-Risk Driver Council. Members of  
 2415 the council shall include representatives of organizations  
 2416 involved with issues facing older drivers including state  
 2417 agencies, medical professionals, senior citizen advocacy groups,  
 2418 providers of services to senior citizens, and research entities.

BILL

ORIGINAL

YEAR

2419           Section 84. Paragraph (c) of subsection (7) of section  
2420   322.251, Florida Statutes, is amended to read:

2421           322.251 Notice of cancellation, suspension, revocation, or  
2422   disqualification of license.--

2423           (7)

2424           ~~(c) The Department of Highway Safety and Motor Vehicles and~~  
2425   ~~the Department of Law Enforcement shall develop and implement a~~  
2426   ~~plan to ensure the identification of any person who is the~~  
2427   ~~subject of an outstanding warrant or capias for passing worthless~~  
2428   ~~bank checks and to ensure the identification of the person's~~  
2429   ~~driver's license record.~~

2430           Section 85. Subsections (4) and (11) of section 365.171,  
2431   Florida Statutes, are amended to read:

2432           365.171 Emergency telephone number "911."--

2433           (4) STATE PLAN.--The office shall develop a statewide  
2434   emergency telephone number "911" system plan. The plan shall  
2435   provide for:

2436           (a) The establishment of the public agency emergency  
2437   telephone communications requirements for each entity of local  
2438   government in the state.

2439           (b) A system to meet specific local government  
2440   requirements. Such system shall include law enforcement,  
2441   firefighting, and emergency medical services and may include  
2442   other emergency services such as poison control, suicide  
2443   prevention, and emergency management services.

2444           (c) Identification of the mutual aid agreements necessary  
2445   to obtain an effective "911" system.

2446           (d) A funding provision which shall identify the cost  
2447   necessary to implement the "911" system.

BILL

ORIGINAL

YEAR

2448       ~~(e) A firm implementation schedule which shall include the~~  
2449       ~~installation of the "911" system in a local community within 24~~  
2450       ~~months after the designated agency of the local government gives~~  
2451       ~~a firm order to the telephone utility for a "911" system.~~

2452  
2453       The office shall be responsible for the implementation and  
2454       coordination of the such plan and. ~~The office shall adopt any~~  
2455       ~~necessary rules and schedules related to public agencies for the~~  
2456       ~~purpose of implementing and coordinating the such plan, pursuant~~  
2457       ~~to chapter 120. The public agency designated in the plan shall~~  
2458       ~~order such system within 6 months after publication date of the~~  
2459       ~~plan if the public agency is in receipt of funds appropriated by~~  
2460       ~~the Legislature for the implementation and maintenance of the~~  
2461       ~~"911" system. Any jurisdiction which has utilized local funding~~  
2462       ~~as of July 1, 1976, to begin the implementation of the state plan~~  
2463       ~~as set forth in this section shall be eligible for at least a~~  
2464       ~~partial reimbursement of its direct cost when, and if, state~~  
2465       ~~funds are available for such reimbursement.~~

2466       ~~(11) EXISTING EMERGENCY TELEPHONE SERVICE. Any emergency~~  
2467       ~~telephone number established by any local government or state~~  
2468       ~~agency prior to July 1, 1974, using a number other than "911"~~  
2469       ~~shall be changed to "911" on the same implementation schedule~~  
2470       ~~provided in paragraph (4) (e).~~

2471       Section 86. Paragraph (d) of subsection (6) of section  
2472       365.172, Florida Statutes, is amended to read:

2473       365.172 Wireless emergency telephone number "E911."--

2474       (6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

2475       ~~(d) By February 28, 2001, the board shall undertake and~~  
2476       ~~complete a study for submission by the office to the Governor,~~

BILL

ORIGINAL

YEAR

2477 ~~the President of the Senate, and the Speaker of the House of~~  
 2478 ~~Representatives which addresses:~~

2479       ~~1. The total amount of E911 fee revenues collected by each~~  
 2480 ~~provider, the total amount of expenses incurred by each provider~~  
 2481 ~~to comply with the order, and the amount of moneys on deposit in~~  
 2482 ~~the fund, all as of December 1, 2000.~~

2483       ~~2. Whether the amount of the E911 fee and the allocation~~  
 2484 ~~percentages set forth in s. 365.173 should be adjusted to comply~~  
 2485 ~~with the requirements of the order, and, if so, a recommended~~  
 2486 ~~adjustment to the E911 fee.~~

2487       ~~3. Any other issues related to providing wireless E911~~  
 2488 ~~services.~~

2489       Section 87. Paragraph (a) of subsection (2) of section  
 2490 365.173, Florida Statutes, is amended to read:

2491       365.173 Wireless Emergency Telephone System Fund.--

2492       (2) Subject to any modifications approved by the board  
 2493 pursuant to s. 365.172(8)(c), the moneys in the fund shall be  
 2494 distributed and used only as follows:

2495       (a) Forty-four percent of the moneys shall be distributed  
 2496 each month to counties, based on the total number of wireless  
 2497 subscriber billing addresses in each county, for payment of:

2498       1. Recurring costs of providing 911 or E911 service, as  
 2499 provided by s. 365.171(12)~~(13)~~(a)6.

2500       2. Costs to comply with the requirements for E911 service  
 2501 contained in the order and any future rules related to the order.  
 2502

2503 A county may carry forward, for up to 3 successive calendar  
 2504 years, up to 30 percent of the total funds disbursed to the  
 2505 county by the board during a calendar year for expenditures for

BILL

ORIGINAL

YEAR

2506 capital outlay, capital improvements, or equipment replacement,  
2507 if such expenditures are made for the purposes specified in this  
2508 paragraph.

2509  
2510 The Legislature recognizes that the wireless E911 fee authorized  
2511 under s. 365.172 will not necessarily provide the total funding  
2512 required for establishing or providing the 911 service. It is the  
2513 intent of the Legislature that all revenue from the fee be used  
2514 as specified in s. 365.171(13)(a)6.

2515 Section 88. Subsection (4) of section 366.82, Florida  
2516 Statutes, is amended to read:

2517 366.82 Definition; goals; plans; programs; ~~annual reports;~~  
2518 energy audits.--

2519 ~~(4) The commission shall require periodic reports from each~~  
2520 ~~utility and shall provide the Legislature and the Governor with~~  
2521 ~~an annual report by March 1 of the goals it has adopted and its~~  
2522 ~~progress toward meeting those goals. The commission shall also~~  
2523 ~~consider the performance of each utility pursuant to ss. 366.80-~~  
2524 ~~366.85 and 403.519 when establishing rates for those utilities~~  
2525 ~~over which the commission has ratesetting authority.~~

2526 Section 89. Subsections (5) and (7) of section 369.22,  
2527 Florida Statutes, are amended to read:

2528 369.22 Nonindigenous aquatic plant control.--

2529 (5) When state funds are involved, or when waters of state  
2530 responsibility are involved, it is the duty of the department to  
2531 guide, review, approve, and coordinate the activities of all  
2532 public bodies, authorities, state agencies, units of local or  
2533 county government, commissions, districts, and special districts  
2534 engaged in operations to maintain, control, or eradicate



BILL

ORIGINAL

YEAR

2535 nonindigenous aquatic plants, except for activities involving  
2536 biological control programs using fish as the control agent. The  
2537 department may delegate all or part of such functions to any  
2538 appropriate state agency, special district, unit of local or  
2539 county government, commission, authority, or other public body.  
2540 However, special attention shall be given to the keeping of  
2541 accounting and cost data in order to prepare the annual ~~fiscal~~  
2542 report required in subsection (7).

2543       (7) The department shall prepare ~~submit~~ an annual report on  
2544 the status of the nonindigenous aquatic plant maintenance program  
2545 that shall be published on the department's Internet website to  
2546 ~~the President of the Senate, the Speaker of the House of~~  
2547 ~~Representatives, and the Governor and Cabinet by January 1 of the~~  
2548 ~~following year. This report shall include a statement of the~~  
2549 ~~degree of maintenance control achieved by individual~~  
2550 ~~nonindigenous aquatic plant species in the intercounty waters of~~  
2551 ~~each of the water management districts for the preceding county~~  
2552 ~~fiscal year, together with an analysis of the costs of achieving~~  
2553 ~~this degree of control. This cost accounting shall include the~~  
2554 ~~expenditures by all governmental agencies in the waters of state~~  
2555 ~~responsibility. If the level of maintenance control achieved~~  
2556 ~~falls short of that which is deemed adequate by the department,~~  
2557 ~~then the report shall include an estimate of the additional~~  
2558 ~~funding that would have been required to achieve this level of~~  
2559 ~~maintenance control. All measures of maintenance program~~  
2560 ~~achievement and the related cost shall be presented by water~~  
2561 ~~management districts so that comparisons may be made among the~~  
2562 ~~water management districts, as well as with the state as a whole.~~

BILL

ORIGINAL

YEAR

2563           Section 90. Subsection (8) of section 370.26, Florida  
2564 Statutes, is amended to read:

2565           370.26 Aquaculture definitions; marine aquaculture  
2566 products, producers, and facilities.--

2567           ~~(8) The Fish and Wildlife Conservation Commission shall~~  
2568 ~~provide assistance to the Department of Agriculture and Consumer~~  
2569 ~~Services in the development of an aquaculture plan for the state.~~

2570           Section 91. Subsection (2) of section 372.5712, Florida  
2571 Statutes, is amended to read:

2572           372.5712 Florida waterfowl permit revenues.--

2573           (2) The intent of this section is to expand waterfowl  
2574 research and management and increase waterfowl populations in the  
2575 state without detracting from other programs. The commission  
2576 shall prepare and make available on its Internet website an  
2577 annual report documenting the use of funds generated under the  
2578 provisions of this section, ~~to be submitted to the Governor, the~~  
2579 ~~Speaker of the House of Representatives, and the President of the~~  
2580 ~~Senate on or before September 1 of each year.~~

2581           Section 92. Subsection (2) of section 372.5715, Florida  
2582 Statutes, is amended to read:

2583           372.5715 Florida wild turkey permit revenues.--

2584           (2) The intent of this section is to expand wild turkey  
2585 research and management and to increase wild turkey populations  
2586 in the state without detracting from other programs. The  
2587 commission shall prepare and make available on its Internet  
2588 website an annual report documenting the use of funds generated  
2589 under the provisions of this section, ~~to be submitted to the~~  
2590 ~~Governor, the Speaker of the House of Representatives, and the~~  
2591 ~~President of the Senate on or before September 1 of each year.~~

BILL

ORIGINAL

YEAR

2592           Section 93. Section 372.673, Florida Statutes, is repealed.  
 2593           Section 94. Section 372.674, Florida Statutes, is repealed.  
 2594           Section 95. Paragraph (d) of subsection (2) of section  
 2595 372.672, Florida Statutes, is amended to read:  
 2596           372.672 Florida Panther Research and Management Trust  
 2597 Fund.--  
 2598           (2) Money from the fund shall be spent only for the  
 2599 following purposes:  
 2600           ~~(d) To fund and administer education programs authorized in~~  
 2601 ~~s. 372.674.~~  
 2602           Section 96. Section 373.0391, Florida Statutes, is amended  
 2603 to read:  
 2604           373.0391 ~~Technical~~ Assistance to local governments.--  
 2605           ~~(1)~~ The water management districts shall assist local  
 2606 governments in the development and future revision of local  
 2607 government comprehensive plan elements or public facilities  
 2608 report as required by s. 189.415, related to water resource  
 2609 issues.  
 2610           ~~(2) By July 1, 1991, each water management district shall~~  
 2611 ~~prepare and provide information and data to assist local~~  
 2612 ~~governments in the preparation and implementation of their local~~  
 2613 ~~government comprehensive plans or public facilities report as~~  
 2614 ~~required by s. 189.415, whichever is applicable. Such information~~  
 2615 ~~and data shall include, but not be limited to:~~  
 2616           ~~(a) All information and data required in a public~~  
 2617 ~~facilities report pursuant to s. 189.415.~~  
 2618           ~~(b) A description of regulations, programs, and schedules~~  
 2619 ~~implemented by the district.~~

BILL

ORIGINAL

YEAR

2620        ~~(c) Identification of regulations, programs, and schedules~~  
2621 ~~undertaken or proposed by the district to further the State~~  
2622 ~~Comprehensive Plan.~~

2623        ~~(d) A description of surface water basins, including~~  
2624 ~~regulatory jurisdictions, flood-prone areas, existing and~~  
2625 ~~projected water quality in water management district operated~~  
2626 ~~facilities, as well as surface water runoff characteristics and~~  
2627 ~~topography regarding flood plains, wetlands, and recharge areas.~~

2628        ~~(e) A description of groundwater characteristics, including~~  
2629 ~~existing and planned wellfield sites, existing and anticipated~~  
2630 ~~cones of influence, highly productive groundwater areas, aquifer~~  
2631 ~~recharge areas, deep well injection zones, contaminated areas, an~~  
2632 ~~assessment of regional water resource needs and sources for the~~  
2633 ~~next 20 years, and water quality.~~

2634        ~~(f) The identification of existing and potential water~~  
2635 ~~management district land acquisitions.~~

2636        ~~(g) Information reflecting the minimum flows for surface~~  
2637 ~~watercourses to avoid harm to water resources or the ecosystem~~  
2638 ~~and information reflecting the minimum water levels for aquifers~~  
2639 ~~to avoid harm to water resources or the ecosystem.~~

2640        Section 97. Subsection (4) of section 373.046, Florida  
2641 Statutes, is amended to read:

2642        373.046 Interagency agreements.--

2643        (4) The Legislature recognizes and affirms the division of  
2644 responsibilities between the department and the water management  
2645 districts as set forth in ss. III. and X. of each of the  
2646 operating agreements codified as rules 17-101.040(12)(a)3., 4.,  
2647 and 5., Florida Administrative Code. Section IV.A.2.a. of each  
2648 operating agreement regarding individual permit oversight is

BILL

ORIGINAL

YEAR

2649 rescinded. The department shall be responsible for permitting  
 2650 those activities under part IV of this chapter which, because of  
 2651 their complexity and magnitude, need to be economically and  
 2652 efficiently evaluated at the state level, including, but not  
 2653 limited to, mining, hazardous waste management facilities and  
 2654 solid waste management facilities that do not qualify for a  
 2655 general permit under chapter 403. With regard to  
 2656 postcertification information submittals for activities  
 2657 authorized under chapters 341 and 403 siting act certifications,  
 2658 the department, after consultation with the appropriate water  
 2659 management district and other agencies having applicable  
 2660 regulatory jurisdiction, shall be responsible for determining the  
 2661 permittee's compliance with conditions of certification which  
 2662 were based upon the nonprocedural requirements of part IV of this  
 2663 chapter. The Legislature authorizes the water management  
 2664 districts and the department to modify the division of  
 2665 responsibilities referenced in this section and enter into  
 2666 further interagency agreements by rulemaking, including  
 2667 incorporation by reference, pursuant to chapter 120, to provide  
 2668 for greater efficiency and to avoid duplication in the  
 2669 administration of part IV of this chapter by designating certain  
 2670 activities which will be regulated by either the water management  
 2671 districts or the department. In developing such interagency  
 2672 agreements, the water management districts and the department  
 2673 should take into consideration the technical and fiscal ability  
 2674 of each water management district to implement all or some of the  
 2675 provisions of part IV of this chapter. Nothing herein rescinds or  
 2676 restricts the authority of the districts to regulate silviculture  
 2677 and agriculture pursuant to part IV of this chapter or s.

BILL

ORIGINAL

YEAR

2678    ~~403.927. By December 10, 1993, the secretary of the department~~  
 2679    ~~shall submit a report to the President of the Senate and the~~  
 2680    ~~Speaker of the House of Representatives regarding the efficiency~~  
 2681    ~~of the procedures and the division of responsibilities~~  
 2682    ~~contemplated by this subsection and regarding progress toward the~~  
 2683    ~~execution of further interagency agreements and the integration~~  
 2684    ~~of permitting with sovereignty lands approval. The report also~~  
 2685    ~~will consider the feasibility of improving the protection of the~~  
 2686    ~~environment through comprehensive criteria for protection of~~  
 2687    ~~natural systems.~~

2688            Section 98. Paragraph (f) of subsection (1) of section  
 2689    373.1963, Florida Statutes, is amended to read:

2690            373.1963 Assistance to West Coast Regional Water Supply  
 2691    Authority.--

2692            (1) It is the intent of the Legislature to authorize the  
 2693    implementation of changes in governance recommended by the West  
 2694    Coast Regional Water Supply Authority in its reports to the  
 2695    Legislature dated February 1, 1997, and January 5, 1998. The  
 2696    authority and its member governments may reconstitute the  
 2697    authority's governance and rename the authority under a voluntary  
 2698    interlocal agreement with a term of not less than 20 years. The  
 2699    interlocal agreement must comply with this subsection as follows:

2700            (f) Upon execution of the voluntary interlocal agreement  
 2701    provided for herein, the authority shall jointly develop with the  
 2702    Southwest Florida Water Management District alternative sources  
 2703    of potable water and transmission pipelines to interconnect  
 2704    regionally significant water supply sources and facilities of the  
 2705    authority in amounts sufficient to meet the needs of all member  
 2706    governments for a period of at least 20 years and for natural

BILL

ORIGINAL

YEAR

2707 systems. Nothing herein, however, shall preclude the authority  
 2708 and its member governments from developing traditional water  
 2709 sources pursuant to the voluntary interlocal agreement.  
 2710 Development and construction costs for alternative source  
 2711 facilities, which may include a desalination facility and  
 2712 significant regional interconnects, must be borne as mutually  
 2713 agreed to by both the authority and the Southwest Florida Water  
 2714 Management District. Nothing herein shall preclude authority or  
 2715 district cost sharing with private entities for the construction  
 2716 or ownership of alternative source facilities. ~~By December 31,~~  
 2717 ~~1997, the authority and the Southwest Florida Water Management~~  
 2718 ~~District shall.~~

2719       ~~1. Enter into a mutually acceptable agreement detailing the~~  
 2720 ~~development and implementation of directives contained in this~~  
 2721 ~~paragraph; or~~

2722       ~~2. Jointly prepare and submit to the President of the~~  
 2723 ~~Senate and the Speaker of the House of Representatives a report~~  
 2724 ~~describing the progress made and impediments encountered in their~~  
 2725 ~~attempts to implement the water resource development and water~~  
 2726 ~~supply development directives contained in this paragraph.~~

2727  
 2728 Nothing in this section shall be construed to modify the rights  
 2729 or responsibilities of the authority or its member governments,  
 2730 except as otherwise provided herein, or of the Southwest Florida  
 2731 Water Management District or the department pursuant to this  
 2732 chapter or chapter 403 and as otherwise set forth by statutes.

2733       Section 99. Subsection (14) of section 376.121, Florida  
 2734 Statutes, is amended to read:

BILL

ORIGINAL

YEAR

2735           376.121 Liability for damage to natural resources.--The  
2736 Legislature finds that extensive damage to the state's natural  
2737 resources is the likely result of a pollutant discharge and that  
2738 it is essential that the state adequately assess and recover the  
2739 cost of such damage from responsible parties. It is the state's  
2740 goal to recover the costs of restoration from the responsible  
2741 parties and to restore damaged natural resources to their  
2742 predischage condition. In many instances, however, restoration  
2743 is not technically feasible. In such instances, the state has the  
2744 responsibility to its citizens to recover the cost of all damage  
2745 to natural resources. To ensure that the public does not bear a  
2746 substantial loss as a result of the destruction of natural  
2747 resources, the procedures set out in this section shall be used  
2748 to assess the cost of damage to such resources. Natural resources  
2749 include coastal waters, wetlands, estuaries, tidal flats,  
2750 beaches, lands adjoining the seacoasts of the state, and all  
2751 living things except human beings. The Legislature recognizes the  
2752 difficulty historically encountered in calculating the value of  
2753 damaged natural resources. The value of certain qualities of the  
2754 state's natural resources is not readily quantifiable, yet the  
2755 resources and their qualities have an intrinsic value to the  
2756 residents of the state, and any damage to natural resources and  
2757 their qualities should not be dismissed as nonrecoverable merely  
2758 because of the difficulty in quantifying their value. In order to  
2759 avoid unnecessary speculation and expenditure of limited  
2760 resources to determine these values, the Legislature hereby  
2761 establishes a schedule for compensation for damage to the state's  
2762 natural resources and the quality of said resources.



BILL

ORIGINAL

YEAR

2763       ~~(14) The department must review the amount of compensation~~  
 2764       ~~assessed pursuant to the damage assessment formula established in~~  
 2765       ~~this section and report its findings to the 1995 Legislature.~~  
 2766       ~~Thereafter, the department must conduct such a review and report~~  
 2767       ~~its findings to the Legislature biennially.~~

2768       Section 100. Section 376.17, Florida Statutes, is repealed.

2769       Section 101. Subsection (5) of section 376.30713, Florida  
 2770       Statutes, is amended to read:

2771       376.30713 Preapproved advanced cleanup.--

2772       ~~(5) By December 31, 1998, the department shall submit a~~  
 2773       ~~report to the Governor, the President of the Senate, and the~~  
 2774       ~~Speaker of the House of Representatives on the progress and level~~  
 2775       ~~of activity under the provisions of this section. The report~~  
 2776       ~~shall include the following information:~~

2777       ~~(a) A list of sites under a preapproved advanced cleanup~~  
 2778       ~~contract, to be identified by the facility number.~~

2779       ~~(b) The total number of preapproved advanced cleanup~~  
 2780       ~~applications submitted to the department.~~

2781       ~~(c) The priority ranking scores of each participating site.~~

2782       ~~(d) The total amount of contract work authorized and~~  
 2783       ~~conducted for each site and the percentage and amount of cost~~  
 2784       ~~share.~~

2785       ~~(e) The total revenues received under the provisions of~~  
 2786       ~~this section.~~

2787       ~~(f) The annual costs of administering the provisions of~~  
 2788       ~~this section.~~

2789       ~~(g) The recommended annual budget for the provisions of~~  
 2790       ~~this section.~~

BILL

ORIGINAL

YEAR

2791           Section 102. Paragraph (f) of subsection (3) of section  
2792   377.703, Florida Statutes, is amended to read:

2793           377.703 Additional functions of the Department of  
2794   Environmental Protection; energy emergency contingency plan;  
2795   federal and state conservation programs.--

2796           (3) DEPARTMENT OF ENVIRONMENTAL PROTECTION; DUTIES.--The  
2797   Department of Environmental Protection shall, in addition to  
2798   assuming the duties and responsibilities provided by ss. 20.255  
2799   and 377.701, perform the following functions consistent with the  
2800   development of a state energy policy:

2801           (f) The department shall make a report, as requested by the  
2802   Governor or the Legislature, reflecting its activities and making  
2803   recommendations of policies for improvement of the state's  
2804   response to energy supply and demand and its effect on the  
2805   health, safety, and welfare of the people of Florida. The report  
2806   shall include ~~a report from the Florida Public Service Commission~~  
2807   ~~on electricity and natural gas and information on energy~~  
2808   ~~conservation programs conducted and under way in the past year~~  
2809   ~~and shall include~~ recommendations for energy conservation  
2810   programs for the state, including, but not limited to, the  
2811   following factors:

2812           1. Formulation of specific recommendations for improvement  
2813   in the efficiency of energy utilization in governmental,  
2814   residential, commercial, industrial, and transportation sectors.

2815           2. Collection and dissemination of information relating to  
2816   energy conservation.

2817           3. Development and conduct of educational and training  
2818   programs relating to energy conservation.

BILL

ORIGINAL

YEAR

2819           4. An analysis of the ways in which state agencies are  
2820 seeking to implement s. 377.601(4), the state energy policy, and  
2821 recommendations for better fulfilling this policy.

2822           Section 103. Paragraph (a) of subsection (2) of section  
2823 380.06, Florida Statutes, is amended to read:

2824           380.06   Developments of regional impact.--

2825           (2)   STATEWIDE GUIDELINES AND STANDARDS.--

2826           (a)   The state land planning agency shall recommend to the  
2827 Administration Commission specific statewide guidelines and  
2828 standards for adoption pursuant to this subsection. The  
2829 Administration Commission shall by rule adopt statewide  
2830 guidelines and standards to be used in determining whether  
2831 particular developments shall undergo development-of-regional-  
2832 impact review. The statewide guidelines and standards previously  
2833 adopted by the Administration Commission and approved by the  
2834 Legislature shall remain in effect unless revised pursuant to  
2835 this section or superseded by other provisions of law. ~~Revisions~~  
2836 ~~to the present statewide guidelines and standards, after adoption~~  
2837 ~~by the Administration Commission, shall be transmitted on or~~  
2838 ~~before March 1 to the President of the Senate and the Speaker of~~  
2839 ~~the House of Representatives for presentation at the next regular~~  
2840 ~~session of the Legislature. Unless approved by law by the~~  
2841 ~~Legislature, the revisions to the present guidelines and~~  
2842 ~~standards shall not become effective.~~

2843           Section 104. Subsection (3) of section 380.0677, Florida  
2844 Statutes, is amended to read:

2845           380.0677   Green Swamp Land Authority.--

2846           ~~(3)   POWERS; BUDGET; GOVERNOR'S APPROVAL OF PROPOSED~~  
2847 ~~ACQUISITIONS. The Green Swamp Land Authority shall have all the~~

BILL

ORIGINAL

YEAR

2848 ~~powers pursuant to s. 380.0666, except that it may not issue~~  
 2849 ~~bonds and must annually submit its budget to the Governor and the~~  
 2850 ~~Legislature for review. In addition, the authority must annually~~  
 2851 ~~submit a list of proposed acquisitions to the Governor for review~~  
 2852 ~~and approval. The Governor may remove proposed acquisitions from~~  
 2853 ~~the list, with cause, if the Governor determines such~~  
 2854 ~~acquisitions would not further the mission of the authority. By~~  
 2855 ~~September 5 of the fiscal year in which the authority's budget is~~  
 2856 ~~submitted, the chairpersons of the appropriations committees of~~  
 2857 ~~the Senate and the House of Representatives may transmit to the~~  
 2858 ~~Governor and the authority comments on and objections to the~~  
 2859 ~~proposed budget. The Governor shall respond in writing to the~~  
 2860 ~~comments and objections.~~

2861       Section 105. Paragraph (b) of subsection (11) of section  
 2862       259.041, Florida Statutes, is amended to read:

2863       259.041 Acquisition of state-owned lands for preservation,  
 2864       conservation, and recreation purposes.--

2865       (11)

2866       (b) All project applications shall identify, within their  
 2867       acquisition plans, those projects which require a full fee simple  
 2868       interest to achieve the public policy goals, together with the  
 2869       reasons full title is determined to be necessary. The state  
 2870       agencies and the water management districts may use alternatives  
 2871       to fee simple acquisition to bring the remaining projects in  
 2872       their acquisition plans under public protection. For the purposes  
 2873       of this subsection, the term "alternatives to fee simple  
 2874       acquisition" includes, but is not limited to: purchase of  
 2875       development rights; obtaining conservation easements; obtaining  
 2876       flowage easements; purchase of timber rights, mineral rights, or

BILL

ORIGINAL

YEAR

2877 | hunting rights; purchase of agricultural interests or  
 2878 | silvicultural interests; entering into land protection agreements  
 2879 | as defined in s. 380.0677(3)~~(4)~~; fee simple acquisitions with  
 2880 | reservations; creating life estates; or any other acquisition  
 2881 | technique which achieves the public policy goals listed in  
 2882 | paragraph (a). It is presumed that a private landowner retains  
 2883 | the full range of uses for all the rights or interests in the  
 2884 | landowner's land which are not specifically acquired by the  
 2885 | public agency. The lands upon which hunting rights are  
 2886 | specifically acquired pursuant to this paragraph shall be  
 2887 | available for hunting in accordance with the management plan or  
 2888 | hunting regulations adopted by the Florida Fish and Wildlife  
 2889 | Conservation Commission, unless the hunting rights are purchased  
 2890 | specifically to protect activities on adjacent lands.

2891 |       Section 106. Paragraph (c) of subsection (3) of section  
 2892 | 259.101, Florida Statutes, is amended to read:

2893 |       259.101 Florida Preservation 2000 Act.--

2894 |       (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the costs  
 2895 | of issuance, the costs of funding reserve accounts, and other  
 2896 | costs with respect to the bonds, the proceeds of bonds issued  
 2897 | pursuant to this act shall be deposited into the Florida  
 2898 | Preservation 2000 Trust Fund created by s. 375.045. In fiscal  
 2899 | year 2000-2001, for each Florida Preservation 2000 program  
 2900 | described in paragraphs (a)-(g), that portion of each program's  
 2901 | total remaining cash balance which, as of June 30, 2000, is in  
 2902 | excess of that program's total remaining appropriation balances  
 2903 | shall be redistributed by the department and deposited into the  
 2904 | Save Our Everglades Trust Fund for land acquisition. For purposes  
 2905 | of calculating the total remaining cash balances for this

BILL	ORIGINAL	YEAR
------	----------	------

2906	redistribution, the Florida Preservation 2000 Series 2000 bond	
2907	proceeds, including interest thereon, and the fiscal year 1999-	
2908	2000 General Appropriations Act amounts shall be deducted from	
2909	the remaining cash and appropriation balances, respectively. The	
2910	remaining proceeds shall be distributed by the Department of	
2911	Environmental Protection in the following manner:	

2912	(c) Ten percent to the Department of Community Affairs to	
2913	provide land acquisition grants and loans to local governments	
2914	through the Florida Communities Trust pursuant to part III of	
2915	chapter 380. From funds allocated to the trust, \$3 million	
2916	annually shall be used by the Division of State Lands within the	
2917	Department of Environmental Protection to implement the Green	
2918	Swamp Land Protection Initiative specifically for the purchase of	
2919	conservation easements, as defined in s. 380.0677 <u>(3)</u> <del>(4)</del> , of	
2920	lands, or severable interests or rights in lands, in the Green	
2921	Swamp Area of Critical State Concern. From funds allocated to the	
2922	trust, \$3 million annually shall be used by the Monroe County	
2923	Comprehensive Plan Land Authority specifically for the purchase	
2924	of any real property interest in either those lands subject to	
2925	the Rate of Growth Ordinances adopted by local governments in	
2926	Monroe County or those lands within the boundary of an approved	
2927	Conservation and Recreation Lands project located within the	
2928	Florida Keys or Key West Areas of Critical State Concern;	
2929	however, title to lands acquired within the boundary of an	
2930	approved Conservation and Recreation Lands project may, in	
2931	accordance with an approved joint acquisition agreement, vest in	
2932	the Board of Trustees of the Internal Improvement Trust Fund. Of	
2933	the remaining funds allocated to the trust after the above	
2934	transfers occur, one-half shall be matched by local governments	

BILL

ORIGINAL

YEAR

2935 on a dollar-for-dollar basis. To the extent allowed by federal  
2936 requirements for the use of bond proceeds, the trust shall expend  
2937 Preservation 2000 funds to carry out the purposes of part III of  
2938 chapter 380.

2939  
2940 Local governments may use federal grants or loans, private  
2941 donations, or environmental mitigation funds, including  
2942 environmental mitigation funds required pursuant to s. 338.250,  
2943 for any part or all of any local match required for the purposes  
2944 described in this subsection. Bond proceeds allocated pursuant to  
2945 paragraph (c) may be used to purchase lands on the priority lists  
2946 developed pursuant to s. 259.035. Title to lands purchased  
2947 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be  
2948 vested in the Board of Trustees of the Internal Improvement Trust  
2949 Fund. Title to lands purchased pursuant to paragraph (c) may be  
2950 vested in the Board of Trustees of the Internal Improvement Trust  
2951 Fund. The board of trustees shall hold title to land protection  
2952 agreements and conservation easements that were or will be  
2953 acquired pursuant to s. 380.0677, and the Southwest Florida Water  
2954 Management District and the St. Johns River Water Management  
2955 District shall monitor such agreements and easements within their  
2956 respective districts until the state assumes this responsibility.

2957       Section 107. Subsection (3) of section 381.0011, Florida  
2958 Statutes, is amended to read:

2959       381.0011 Duties and powers of the Department of Health.--It  
2960 is the duty of the Department of Health to:

2961       ~~(3) Include in the department's strategic plan developed~~  
2962 ~~under s. 186.021 a summary of all aspects of the public health~~

BILL

ORIGINAL

YEAR

2963 ~~mission and health status objectives to direct the use of public~~  
2964 ~~health resources with an emphasis on prevention.~~

2965       Section 108.   Section 381.0036, Florida Statutes, is  
2966 repealed.

2967       Section 109.   Section 381.731, Florida Statutes, is  
2968 repealed.

2969       Section 110.   Section 381.732, Florida Statutes, is amended  
2970 to read:

2971       381.732   Short title; Healthy Communities, Healthy People  
2972 Act.--This section and ss. 381.733 and 381.734 ~~Sections 381.731-~~  
2973 ~~381.734~~ may be cited as the "Healthy Communities, Healthy People  
2974 Act."

2975       Section 111.   Section 381.733, Florida Statutes, is amended  
2976 to read:

2977       381.733   Definitions relating to Healthy Communities,  
2978 Healthy People Act.--As used in ss. 381.732-381.734 ~~381.731-~~  
2979 ~~381.734~~, the term:

2980       (1)   "Department" means the Department of Health.

2981       (2)   "Primary prevention" means interventions directed  
2982 toward healthy populations with a focus on avoiding disease prior  
2983 to its occurrence.

2984       (3)   "Secondary prevention" means interventions designed to  
2985 promote the early detection and treatment of diseases and to  
2986 reduce the risks experienced by at-risk populations.

2987       (4)   "Tertiary prevention" means interventions directed at  
2988 rehabilitating and minimizing the effects of disease in a  
2989 chronically ill population.

2990       Section 112.   Section 381.795, Florida Statutes, is amended  
2991 to read:



BILL

ORIGINAL

YEAR

2992            381.795   Long-term community-based supports.--The department  
2993   shall, contingent upon specific appropriations for these  
2994   purposes, establish+

2995            ~~(1) Study the long term needs for community based supports~~  
2996   ~~and services for individuals who have sustained traumatic brain~~  
2997   ~~or spinal cord injuries. The purpose of this study is to prevent~~  
2998   ~~inappropriate residential and institutional placement of these~~  
2999   ~~individuals, and promote placement in the most cost effective and~~  
3000   ~~least restrictive environment. Any placement recommendations for~~  
3001   ~~these individuals shall ensure full utilization of and~~  
3002   ~~collaboration with other state agencies, programs, and community~~  
3003   ~~partners. This study shall be submitted to the Governor, the~~  
3004   ~~President of the Senate, and the Speaker of the House of~~  
3005   ~~Representatives not later than December 31, 2000.~~

3006            ~~(2) Based upon the results of this study, establish a plan~~  
3007   ~~for the implementation of a program of long-term community-based~~  
3008   ~~supports and services for individuals who have sustained~~  
3009   ~~traumatic brain or spinal cord injuries who may be subject to~~  
3010   ~~inappropriate residential and institutional placement as a direct~~  
3011   ~~result of such injuries.~~

3012            (1)(a)   The program shall be payor of last resort for  
3013   program services, and expenditures for such services shall be  
3014   considered funded services for purposes of s. 381.785; however,  
3015   notwithstanding s. 381.79(5), proceeds resulting from this  
3016   section ~~subsection~~ shall be used solely for this program.

3017            (2)(b)   The department shall create, by rule, procedures to  
3018   ensure, that in the event the program is unable to directly or  
3019   indirectly provide such services to all eligible individuals due  
3020   to lack of funds, those individuals most at risk to suffer the

BILL

ORIGINAL

YEAR

3021 greatest harm from an imminent inappropriate residential or  
3022 institutional placement are served first.

3023        (3)~~(e)~~ Every applicant or recipient of the long-term  
3024 community-based supports and services program shall have been a  
3025 resident of the state for 1 year immediately preceding  
3026 application and be a resident of the state at the time of  
3027 application.

3028        (4)~~(d)~~ The department shall adopt rules pursuant to ss.  
3029 120.536(1) and 120.54 to implement the provision of this section  
3030 ~~subsection~~.

3031        Section 113. Paragraph (a) of subsection (7) of section  
3032 381.90, Florida Statutes, is amended to read:

3033        381.90 Health Information Systems Council; legislative  
3034 intent; creation, appointment, duties.--

3035        (7) The council's duties and responsibilities include, but  
3036 are not limited to, the following:

3037        ~~(a) By June 1 of each year, to develop and approve a~~  
3038 ~~strategic plan pursuant to the requirements set forth in s.~~  
3039 ~~186.022.~~

3040        Section 114. Section 381.931, Florida Statutes, is amended  
3041 to read:

3042        381.931 Annual report on Medicaid expenditures.--The  
3043 Department of Health and the Agency for Health Care  
3044 Administration shall monitor the total Medicaid expenditures for  
3045 services made under this act. If Medicaid expenditures are  
3046 projected to exceed the amount appropriated by the Legislature,  
3047 the Department of Health shall limit the number of screenings to  
3048 ensure Medicaid expenditures do not exceed the amount  
3049 appropriated. ~~The Department of Health, in cooperation with the~~

BILL

ORIGINAL

YEAR

~~Agency for Health Care Administration, shall prepare an annual report that must include the number of women screened; the percentage of positive and negative outcomes; the number of referrals to Medicaid and other providers for treatment services; the estimated number of women who are not screened or not served by Medicaid due to funding limitations, if any; the cost of Medicaid treatment services; and the estimated cost of treatment services for women who were not screened or referred for treatment due to funding limitations. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by March 1 of each year.~~

Section 115. Subsection (6) of section 383.19, Florida Statutes, is amended to read:

383.19 Standards; funding; ineligibility.--

(6) Each hospital which contracts with the department to provide services under the terms of ss. 383.15-383.21 shall prepare and submit to the department an annual report that includes, but is not limited to, the number of clients served and the costs of services in the center. The department shall annually conduct a programmatic and financial evaluation of each center.

Section 116. Section 383.21, Florida Statutes, is repealed.

Section 117. Section 383.2161, Florida Statutes, is amended to read:

383.2161 Maternal and child health report.--The Department of Health ~~annually~~ shall annually compile and analyze the risk information collected by the Office of Vital Statistics and the district prenatal and infant care coalitions and shall maintain

BILL

ORIGINAL

YEAR

3079 county and statewide data on ~~prepare and submit to the~~  
3080 ~~Legislature by January 2 a report that includes, but is not~~  
3081 ~~limited to:~~

3082       (1) The number of families identified as families at  
3083 potential risk.~~+~~

3084       (2) The number of families that receive family outreach  
3085 services.~~+~~

3086       (3) The increase in demand for services.~~+~~~~and~~

3087       (4) The unmet need for services for identified target  
3088 groups.

3089       Section 118. Subsection (6) of section 384.25, Florida  
3090 Statutes, is amended to read:

3091       384.25 Reporting required.--

3092       ~~(6) The department shall by February 1 of each year submit~~  
3093 ~~to the Legislature an annual report relating to all information~~  
3094 ~~obtained pursuant to this section.~~

3095       Section 119. Subsection (4) of section 394.4573, Florida  
3096 Statutes, is amended to read:

3097       394.4573 Continuity of care management system; measures of  
3098 performance; reports.--

3099       ~~(4) The department is directed to submit a report to the~~  
3100 ~~Legislature, prior to April 1 of each year, outlining~~  
3101 ~~departmental progress towards the implementation of the minimum~~  
3102 ~~staffing patterns' standards in state mental health treatment~~  
3103 ~~facilities. The report shall contain, by treatment facility,~~  
3104 ~~information regarding goals and objectives and departmental~~  
3105 ~~performance toward meeting each such goal and objective.~~

3106       Section 120. Subsection (1) of section 394.4985, Florida  
3107 Statutes, is amended to read:

BILL

ORIGINAL

YEAR

3108            394.4985 Districtwide information and referral network;  
 3109 implementation.--

3110            (1) Each service district of the Department of Children and  
 3111 Family Services shall develop a detailed implementation plan for  
 3112 a districtwide comprehensive child and adolescent mental health  
 3113 information and referral network to be operational by July 1,  
 3114 1999. The plan must include an operating budget that demonstrates  
 3115 cost efficiencies and identifies funding sources for the district  
 3116 information and referral network. ~~The plan must be submitted by~~  
 3117 ~~the department to the Legislature by October 1, 1998.~~ The  
 3118 district shall use existing district information and referral  
 3119 providers if, in the development of the plan, it is concluded  
 3120 that these providers would deliver information and referral  
 3121 services in a more efficient and effective manner when compared  
 3122 to other alternatives. The district information and referral  
 3123 network must include:

3124            (a) A resource file that contains information about the  
 3125 child and adolescent mental health services as described in s.  
 3126 394.495, including, but not limited to:

3127            1. Type of program;  
 3128            2. Hours of service;  
 3129            3. Ages of persons served;  
 3130            4. Program description;  
 3131            5. Eligibility requirements; and  
 3132            6. Fees.

3133            (b) Information about private providers and professionals  
 3134 in the community which serve children and adolescents with an  
 3135 emotional disturbance.

BILL

ORIGINAL

YEAR

(c) A system to document requests for services that are received through the network referral process, including, but not limited to:

1. Number of calls by type of service requested;
2. Ages of the children and adolescents for whom services are requested; and
3. Type of referral made by the network.

(d) The ability to share client information with the appropriate community agencies.

~~(e) The submission of an annual report to the department, the Agency for Health Care Administration, and appropriate local government entities, which contains information about the sources and frequency of requests for information, types and frequency of services requested, and types and frequency of referrals made.~~

Section 121. Section 394.75, Florida Statutes, is amended to read:

394.75 State and district substance abuse and mental health plans.--

(1)~~(a)~~ ~~Every 3 years, beginning in 2001,~~ The department, in consultation with the Medicaid program in the Agency for Health Care Administration and the Florida Substance Abuse and Mental Health Corporation, shall prepare a state master plan for the delivery and financing of a system of publicly funded, community-based substance abuse and mental health services throughout the state. The state plan must include:

~~(b) The initial plan must include an assessment of the clinical practice guidelines and standards for community-based mental health and substance abuse services delivered by persons or agencies under contract with the Department of Children and~~

BILL

ORIGINAL

YEAR

3165 ~~Family Services. The assessment must include an inventory of~~  
 3166 ~~current clinical guidelines and standards used by persons and~~  
 3167 ~~agencies under contract with the department, and by nationally~~  
 3168 ~~recognized accreditation organizations, to address the quality of~~  
 3169 ~~care and must specify additional clinical practice standards and~~  
 3170 ~~guidelines for new or existing services and programs.~~

3171       ~~(a)-(e)~~ Proposed ~~The plan must propose~~ changes in department  
 3172 policy or statutory revisions to strengthen the quality of mental  
 3173 health and substance abuse treatment and support services.

3174       ~~(b)-(d)~~ The plan must identify Strategies for meeting the  
 3175 treatment and support needs of children, adolescents, adults, and  
 3176 older adults who have, or are at risk of having, mental,  
 3177 emotional, or substance abuse problems as defined in this chapter  
 3178 or chapter 397.

3179       ~~(c)-(e)~~ The plan must include Input from persons who  
 3180 represent local communities; local government entities that  
 3181 contribute funds to the local substance abuse and mental health  
 3182 treatment systems; consumers of publicly funded substance abuse  
 3183 and mental health services, and their families; and stakeholders  
 3184 interested in mental health and substance abuse services. The  
 3185 plan must describe the means by which this local input occurred.  
 3186 ~~The plan shall be updated annually.~~

3187       ~~(f)~~ The plan must include statewide policies and planning  
 3188 parameters that will be used by the health and human services  
 3189 boards in preparing the district substance abuse and mental  
 3190 health plans.

3191       ~~(g)~~ The district plans shall be one component of the state  
 3192 master plan.

3193       ~~(2)~~ The state master plan shall also include:

BILL

ORIGINAL

YEAR

3194        ~~(a) A proposal for the development of a data system that~~  
3195 ~~will evaluate the effectiveness of programs and services provided~~  
3196 ~~to clients of the substance abuse and mental health service~~  
3197 ~~system.~~

3198        ~~(b) A proposal to resolve the funding discrepancies between~~  
3199 ~~districts.~~

3200        (d)~~(e)~~ A methodology for the allocation of resources  
3201 available from federal, state, and local sources and a  
3202 description of the current level of funding available from each  
3203 source.

3204        (e)~~(d)~~ A description of the statewide priorities for  
3205 clients and services, and each district's priorities for clients  
3206 and services.

3207        ~~(e) Recommendations for methods of enhancing local~~  
3208 ~~participation in the planning, organization, and financing of~~  
3209 ~~substance abuse and mental health services.~~

3210        ~~(f) A description of the current methods of contracting for~~  
3211 ~~services, an assessment of the efficiency of these methods in~~  
3212 ~~providing accountability for contracted funds, and~~  
3213 ~~recommendations for improvements to the system of contracting.~~

3214        (f)~~(g)~~ Recommendations for improving access to services by  
3215 clients and their families.

3216        ~~(h) Guidelines and formats for the development of district~~  
3217 ~~plans.~~

3218        (g)~~(i)~~ Recommendations for future directions for the  
3219 substance abuse and mental health service delivery system.

3220        (2) A schedule, format, and procedure for development, and  
3221 review, and update of the ~~state master~~ plan shall be adopted by  
3222 the department ~~by June of each year~~. The plan and ~~annual~~ updates



BILL

ORIGINAL

YEAR

3223 shall ~~must~~ be submitted to the Governor and Legislature beginning  
3224 February 10, 2006, and every third year thereafter ~~President of~~  
3225 ~~the Senate and the Speaker of the House of Representatives by~~  
3226 ~~January 1 of each year, beginning January 1, 2001.~~

3227       (3) Each ~~The district health and human services board~~ shall  
3228 prepare an integrated district substance abuse and mental health  
3229 plan. The plan shall be prepared and updated on a schedule  
3230 established by the Assistant Secretary for Substance Abuse  
3231 ~~Alcohol, Drug Abuse, and Mental Health Program Office~~. The plan  
3232 shall reflect the needs and program priorities established by the  
3233 department and the needs of the district established under ss.  
3234 394.674 and 394.675. The district plan must ~~list in order of~~  
3235 ~~priority the mental health and the substance abuse treatment~~  
3236 ~~needs of the district and must rank each program separately. The~~  
3237 ~~plan shall include:~~

3238       ~~(a) A record of the total amount of money available in the~~  
3239 ~~district for mental health and substance abuse services.~~

3240       ~~(b) A description of each service that will be purchased~~  
3241 ~~with state funds.~~

3242       ~~(c) A record of the amount of money allocated for each~~  
3243 ~~service identified in the plan as being purchased with state~~  
3244 ~~funds.~~

3245       ~~(d) A record of the total funds allocated to each provider.~~

3246       ~~(e) A record of the total funds allocated to each provider~~  
3247 ~~by type of service to be purchased with state funds.~~

3248       ~~(a)-(f)~~ Include input from community-based persons,  
3249 organizations, and agencies interested in substance abuse and  
3250 mental health treatment services; local government entities that  
3251 contribute funds to the public substance abuse and mental health

BILL

ORIGINAL

YEAR

3252 treatment systems; and consumers of publicly funded substance  
3253 abuse and mental health services, and their family members. The  
3254 plan must describe the means by which this local input occurred.

3255

3256 ~~The plan shall be submitted by the district board to the district~~  
3257 ~~administrator and to the governing bodies for review, comment,~~  
3258 ~~and approval.~~

3259 ~~(4) The district plan shall:~~

3260 ~~(a) Describe the publicly funded, community based substance~~  
3261 ~~abuse and mental health system of care, and identify statutorily~~  
3262 ~~defined populations, their service needs, and the resources~~  
3263 ~~available and required to meet their needs.~~

3264 ~~(b) Provide the means for meeting the needs of the~~  
3265 ~~district's eligible clients, specified in ss. 394.674 and~~  
3266 ~~394.675, for substance abuse and mental health services.~~

3267 (b) ~~(e)~~ Provide a process for coordinating the delivery of  
3268 services within a community-based system of care to eligible  
3269 clients. Such process must involve service providers, clients,  
3270 and other stakeholders. The process must also provide a means by  
3271 which providers will coordinate and cooperate to strengthen  
3272 linkages, achieve maximum integration of services, foster  
3273 efficiencies in service delivery and administration, and  
3274 designate responsibility for outcomes for eligible clients.

3275 (c) ~~(d)~~ Provide a projection of district program and fiscal  
3276 needs for the next fiscal year, provide for the orderly and  
3277 economical development of needed services, and indicate  
3278 priorities and resources for each population served, performance  
3279 outcomes, and anticipated expenditures and revenues.

BILL

ORIGINAL

YEAR

3280        ~~(e) Include a summary budget request for the total district~~  
 3281 ~~substance abuse and mental health program, which must include the~~  
 3282 ~~funding priorities established by the district planning process.~~  
 3283        ~~(f) Provide a basis for the district legislative budget~~  
 3284 ~~request.~~  
 3285        ~~(g) Include a policy and procedure for allocation of funds.~~  
 3286        ~~(h) Include a procedure for securing local matching funds.~~  
 3287 ~~Such a procedure shall be developed in consultation with~~  
 3288 ~~governing bodies and service providers.~~  
 3289        (d) ~~(i)~~ Provide for the integration of substance abuse and  
 3290 mental health services with the other departmental programs and  
 3291 with the criminal justice, juvenile justice, child protection,  
 3292 school, and health care systems within the district.  
 3293        ~~(j) Provide a plan for the coordination of services in such~~  
 3294 ~~manner as to ensure effectiveness and avoid duplication,~~  
 3295 ~~fragmentation of services, and unnecessary expenditures.~~  
 3296        (e) ~~(k)~~ Provide for continuity of client care between state  
 3297 treatment facilities and community programs to assure that  
 3298 discharge planning results in the rapid application for all  
 3299 benefits for which a client is eligible, including Medicaid  
 3300 coverage for persons leaving state treatment facilities and  
 3301 returning to community-based programs.  
 3302        ~~(l) Provide for the most appropriate and economical use of~~  
 3303 ~~all existing public and private agencies and personnel.~~  
 3304        ~~(m) Provide for the fullest possible and most appropriate~~  
 3305 ~~participation by existing programs; state hospitals and other~~  
 3306 ~~hospitals; city, county, and state health and family service~~  
 3307 ~~agencies; drug abuse and alcoholism programs; probation~~  
 3308 ~~departments; physicians; psychologists; social workers; marriage~~

BILL

ORIGINAL

YEAR

3309 ~~and family therapists; mental health counselors; clinical social~~  
3310 ~~workers; public health nurses; school systems; and all other~~  
3311 ~~public and private agencies and personnel that are required to,~~  
3312 ~~or may agree to, participate in the plan.~~

3313 ~~(n) Include an inventory of all public and private~~  
3314 ~~substance abuse and mental health resources within the district,~~  
3315 ~~including consumer advocacy groups and self-help groups known to~~  
3316 ~~the department.~~

3317 ~~(4)(5)~~ The district plan shall address how substance abuse  
3318 and mental health services will be provided and how a system of  
3319 care for target populations will be provided given the resources  
3320 available in the service district. The plan must include  
3321 provisions for providing the most appropriate and current  
3322 evidence-based services for persons with substance abuse  
3323 disorders and mental illnesses in a variety of settings  
3324 ~~maximizing client access to the most recently developed~~  
3325 ~~psychiatric medications approved by the United States Food and~~  
3326 ~~Drug Administration, for developing independent housing units~~  
3327 ~~through participation in the Section 811 program operated by the~~  
3328 ~~United States Department of Housing and Urban Development, for~~  
3329 ~~developing supported employment services through the Division of~~  
3330 ~~Vocational Rehabilitation of the Department of Education, for~~  
3331 ~~providing treatment services to persons with co-occurring mental~~  
3332 ~~illness and substance abuse problems which are integrated across~~  
3333 ~~treatment systems, and for providing services to adults who have~~  
3334 ~~a serious mental illness, as defined in s. 394.67, and who reside~~  
3335 ~~in assisted living facilities.~~

BILL

ORIGINAL

YEAR

3336        ~~(6) The district plan shall provide the means by which the~~  
3337 ~~needs of the population groups specified pursuant to s. 394.674~~  
3338 ~~will be addressed in the district.~~

3339        ~~(7) In developing the district plan, optimum use shall be~~  
3340 ~~made of any federal, state, and local funds that may be available~~  
3341 ~~for substance abuse and mental health service planning. However,~~  
3342 ~~the department must provide these services within legislative~~  
3343 ~~appropriations.~~

3344        ~~(8) The district health and human services board shall~~  
3345 ~~establish a subcommittee to prepare the portion of the district~~  
3346 ~~plan relating to children and adolescents. The subcommittee shall~~  
3347 ~~include representative membership of any committee organized or~~  
3348 ~~established by the district to review placement of children and~~  
3349 ~~adolescents in residential treatment programs. The board shall~~  
3350 ~~establish a subcommittee to prepare the portion of the district~~  
3351 ~~plan which relates to adult mental health and substance abuse.~~  
3352 ~~The subcommittee must include representatives from the community~~  
3353 ~~who have an interest in mental health and substance abuse~~  
3354 ~~treatment for adults.~~

3355        (5)(9) All departments of state government and all local  
3356 public agencies shall cooperate with officials to assist them in  
3357 service planning. ~~Each district administrator shall, upon request~~  
3358 ~~and the availability of staff, provide consultative services to~~  
3359 ~~the local agency directors and governing bodies.~~

3360        ~~(10) The district administrator shall ensure that the~~  
3361 ~~district plan:~~

3362        ~~(a) Conforms to the priorities in the state plan, the~~  
3363 ~~requirements of this part, and the standards adopted under this~~  
3364 ~~part;~~

BILL

ORIGINAL

YEAR

~~(b) Ensures that the most effective and economical use will be made of available public and private substance abuse and mental health resources in the service district; and~~

~~(c) Has adequate provisions made for review and evaluation of the services provided in the service district.~~

~~(11) The district administrator shall require such modifications in the district plan as he or she deems necessary to bring the plan into conformance with the provisions of this part. If the district board and the district administrator cannot agree on the plan, including the projected budget, the issues under dispute shall be submitted directly to the secretary of the department for immediate resolution.~~

~~(12) Each governing body that provides local funds has the authority to require necessary modification to only that portion of the district plan which affects substance abuse and mental health programs and services within the jurisdiction of that governing body.~~

~~(13) The district administrator shall report annually to the district board the status of funding for priorities established in the district plan. Each report must include:~~

~~(a) A description of the district plan priorities that were included in the district legislative budget request.~~

~~(b) A description of the district plan priorities that were included in the departmental budget request.~~

~~(c) A description of the programs and services included in the district plan priorities that were appropriated funds by the Legislature in the legislative session that preceded the report.~~

Section 122. Section 394.82, Florida Statutes, is repealed.

BILL

ORIGINAL

YEAR

3393           Section 123. Paragraph (a) of subsection (3) of section  
3394   394.655, Florida Statutes, is amended to read:  
3395           394.655   The Substance Abuse and Mental Health Corporation;  
3396   powers and duties; composition; evaluation and reporting  
3397   requirements.--  
3398           (3)(a)   The Florida Substance Abuse and Mental Health  
3399   Corporation shall be responsible for oversight of the publicly  
3400   funded substance abuse and mental health systems and for making  
3401   policy and resources recommendations which will improve the  
3402   coordination, quality, and efficiency of the system. Subject to  
3403   and consistent with direction set by the Legislature, the  
3404   corporation shall exercise the following responsibilities:  
3405           ~~1. Review and assess the collection and analysis of needs~~  
3406   ~~assessment data as described in s. 394.82.~~  
3407           1.2.   Review and assess the status of the publicly funded  
3408   mental health and substance abuse systems and recommend policy  
3409   designed to improve coordination and effectiveness.  
3410           ~~2.3.~~   Provide mechanisms for substance abuse and mental  
3411   health stakeholders, including consumers, family members,  
3412   providers, and advocates to provide input concerning the  
3413   management of the overall system.  
3414           ~~3.4.~~   Recommend priorities for service expansion.  
3415           ~~4.5.~~   Prepare budget recommendations to be submitted to the  
3416   appropriate departments for consideration in the development of  
3417   their legislative budget requests and provide copies to the  
3418   Governor, the President of the Senate, and the Speaker of the  
3419   House of Representatives for their consideration.  
3420           ~~5.6.~~   Review data regarding the performance of the publicly  
3421   funded substance abuse and mental health systems.

BILL

ORIGINAL

YEAR

3422        6.7- Make recommendations concerning strategies for  
3423 improving the performance of the systems.

3424        7.8- Review, assess, and forecast substance abuse and  
3425 mental health manpower needs and work with the department and the  
3426 educational system to establish policies, consistent with the  
3427 direction of the Legislature, which will ensure that the state  
3428 has the personnel it needs to continuously implement and improve  
3429 its services.

3430        Section 124. Paragraph (h) of subsection (7) and subsection  
3431 (8) of section 394.9082, Florida Statutes, are amended to read:

3432        394.9082 Behavioral health service delivery strategies.--

3433        (7) ESSENTIAL ELEMENTS.--

3434        ~~(h)1. The Department of Children and Family Services, in~~  
3435 ~~consultation with the Agency for Health Care Administration,~~  
3436 ~~shall prepare an amendment by October 31, 2001, to the 2001~~  
3437 ~~master state plan required under s. 394.75(1), which describes~~  
3438 ~~each service delivery strategy, including at least the following~~  
3439 ~~details:~~

3440        ~~a. Operational design;~~

3441        ~~b. Counties or service districts included in each strategy;~~

3442        ~~c. Expected outcomes; and~~

3443        ~~d. Timeframes.~~

3444        ~~2. The amendment shall specifically address the application~~  
3445 ~~of each service delivery strategy to substance abuse services,~~  
3446 ~~including:~~

3447        ~~a. The development of substance abuse service protocols;~~

3448        ~~b. Credentialing requirements for substance abuse services;~~

3449 and



BILL

ORIGINAL

YEAR

3450           ~~e. The development of new service models for individuals~~  
3451 ~~with co-occurring mental health and substance abuse disorders.~~  
3452           ~~3. The amendment must specifically address the application~~  
3453 ~~of each service delivery strategy to the child welfare system,~~  
3454 ~~including:~~  
3455           ~~a. The development of service models that support working~~  
3456 ~~with both children and their families in a community-based care~~  
3457 ~~system and that are specific to the child welfare system.~~  
3458           ~~b. A process for providing services to abused and neglected~~  
3459 ~~children and their families as indicated in court ordered case~~  
3460 ~~plans.~~  
3461           (8) EXPANSION IN DISTRICTS 4 AND 12.--The department shall  
3462 work with community agencies to establish a single managing  
3463 entity for districts 4 and 12 accountable for the delivery of  
3464 substance abuse services to child protective services recipients  
3465 in the two districts. The purpose of this strategy is to enhance  
3466 the coordination of substance abuse services with community-based  
3467 care agencies and the department. The department shall work with  
3468 affected stakeholders to develop and implement a plan that allows  
3469 the phase-in of services beginning with the delivery of substance  
3470 abuse services, with phase-in of subsequent substance abuse  
3471 services agreed upon by the managing entity and authorized by the  
3472 department, providing the necessary technical assistance to  
3473 assure provider and district readiness for implementation. When a  
3474 single managing entity is established and meets readiness  
3475 requirements, the department may enter into a noncompetitive  
3476 contract with the entity. The department shall maintain detailed  
3477 information on the methodology used for selection and a  
3478 justification for the selection. Performance objectives shall be

BILL

ORIGINAL

YEAR

developed which ensure that services that are delivered directly affect and complement the child's permanency plan. During the initial planning and implementation phase of this project, the requirements in subsections (6) and (7) are waived. Considering the critical substance abuse problems experienced by many families in the child protection system, the department shall initiate the implementation of the substance abuse delivery component of this program without delay ~~and furnish status reports to the appropriate substantive committees of the Senate and the House of Representatives no later than February 29, 2004, and February 28, 2005.~~ The integration of all services agreed upon by the managing entity and authorized by the department must be completed within 2 years after project initiation. Ongoing monitoring and evaluation of this strategy shall be conducted in accordance with subsection (9).

Section 125. Section 394.9083, Florida Statutes, is repealed.

Section 126. Paragraph (c) of subsection (2) of section 395.807, Florida Statutes, is amended to read:

395.807 Retention of family practice residents.--  
(2)

~~(c) The committee shall report to the Legislature annually, beginning October 1, 1995, on the retention of family practice residents in the state by family practice teaching hospitals. The committee shall also track and report on the placement of family practice physicians in medically underserved areas.~~

Section 127. Subsections (1) and (20) of section 397.321, Florida Statutes, are amended to read:

397.321 Duties of the department.--The department shall:

BILL

ORIGINAL

YEAR

3508        ~~(1) Develop a comprehensive state plan for the provision of~~  
3509        ~~substance abuse services. The plan must include:~~  
3510        ~~(a) Identification of incidence and prevalence of problems~~  
3511        ~~related to substance abuse.~~  
3512        ~~(b) Description of current services.~~  
3513        ~~(c) Need for services.~~  
3514        ~~(d) Cost of services.~~  
3515        ~~(e) Priorities for funding.~~  
3516        ~~(f) Strategies to address the identified needs and~~  
3517        ~~priorities.~~  
3518        ~~(g) Resource planning.~~  
3519        ~~(20) The department may establish in District 9, in~~  
3520        ~~cooperation with the Palm Beach County Board of County~~  
3521        ~~Commissioners, a pilot project to serve in a managed care~~  
3522        ~~arrangement non-Medicaid eligible persons who qualify to receive~~  
3523        ~~substance abuse or mental health services from the department.~~  
3524        ~~The department may contract with a not-for-profit entity to~~  
3525        ~~conduct the pilot project. The results of the pilot project shall~~  
3526        ~~be reported to the district administrator, and the secretary 18~~  
3527        ~~months after the initiation. The department shall incur no~~  
3528        ~~additional administrative costs for the pilot project.~~  
3529        Section 128. Subsection (3) of section 397.332, Florida  
3530        Statutes, is amended to read:  
3531        397.332 Office of Drug Control.--  
3532        ~~(3) On or before December 1 of each year, the director of~~  
3533        ~~the Office of Drug Control shall report to the Governor and the~~  
3534        ~~Legislature on the information and recommendations required under~~  
3535        ~~paragraphs (2) (f) and (g).~~

BILL

ORIGINAL

YEAR

Section 129. Subsection (4) of section 397.333, Florida Statutes, is amended to read:

397.333 Statewide Drug Policy Advisory Council.--

(4)(a) The chairperson of the advisory council shall appoint workgroups that include members of state agencies that are not represented on the advisory council and shall solicit input and recommendations from those state agencies. In addition, the chairperson may appoint workgroups as necessary from among the members of the advisory council in order to efficiently address specific issues. A representative of a state agency appointed to any workgroup shall be the head of the agency, or his or her designee. The chairperson may designate lead and contributing agencies within a workgroup.

~~(b) The advisory council shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year which contains a summary of the work of the council during that year and the recommendations required under subsection (3). Interim reports may be submitted at the discretion of the chairperson of the advisory council.~~

Section 130. Subsection (1) of section 397.94, Florida Statutes, is amended to read:

397.94 Children's substance abuse services; information and referral network.--

~~(1) Each service district of the department shall develop a plan for and implement a districtwide comprehensive children's substance abuse information and referral network to be operational by July 1, 2000.~~

BILL

ORIGINAL

YEAR

3564           Section 131. Paragraph (f) of subsection (2) of section  
3565   400.0067, Florida Statutes, is amended to read:  
3566           400.0067   State Long-Term Care Ombudsman Council; duties;  
3567   membership.--  
3568           (2)   The State Long-Term Care Ombudsman Council shall:  
3569           (f)   Prepare an annual report describing the activities  
3570   carried out by the ombudsman, ~~and the State Long-Term Care~~  
3571   Ombudsman Council, and the local councils in the year for which  
3572   the report is prepared. The State Long-Term Care Ombudsman  
3573   Council shall submit the report to the Secretary of Elderly  
3574   Affairs. The secretary shall in turn submit the report to the  
3575   Commissioner of the United States Administration on Aging, the  
3576   Governor, the Legislature ~~the President of the Senate, the~~  
3577   ~~Speaker of the House of Representatives, the minority leaders of~~  
3578   ~~the House and Senate, the chairpersons of appropriate House and~~  
3579   ~~Senate committees, the Secretary of Children and Family Services,~~  
3580   and the Secretary of Health Care Administration. The report shall  
3581   be submitted by the Secretary of Elderly Affairs at least 30 days  
3582   before the convening of the regular session of the Legislature  
3583   and shall, at a minimum:  
3584           1.   Contain and analyze data collected concerning complaints  
3585   about and conditions in long-term care facilities and the  
3586   dispositions of such complaints.  
3587           2.   Evaluate the problems experienced by residents of long-  
3588   term care facilities.  
3589           3.   Contain recommendations for improving the quality of  
3590   life of the residents and for protecting the health, safety,  
3591   welfare, and rights of the residents.

BILL

ORIGINAL

YEAR

3592 4. Analyze the success of the ombudsman program during the  
3593 preceding year and identify the barriers that prevent the optimal  
3594 operation of the program. The report ~~of the program's successes~~  
3595 shall also include ~~address the relationship between the state~~  
3596 ~~long-term care ombudsman program, the Department of Elderly~~  
3597 ~~Affairs, the Agency for Health Care Administration, and the~~  
3598 ~~Department of Children and Family Services, and an assessment of~~  
3599 how successfully the state long-term care ombudsman program has  
3600 carried out its responsibilities under the Older Americans Act.

3601 5. Provide policy and regulatory and legislative  
3602 recommendations to solve identified problems; resolve residents'  
3603 complaints; improve the quality of care and life of the  
3604 residents; protect the health, safety, welfare, and rights of the  
3605 residents; and remove the barriers to the optimal operation of  
3606 the state long-term care ombudsman program.

3607 6. Contain recommendations from the local ombudsman  
3608 councils regarding program functions and activities.

3609 ~~7. Include a report on the activities of the legal advocate~~  
3610 ~~and other legal advocates acting on behalf of the local and state~~  
3611 ~~councils.~~

3612 Section 132. Subsection (3) of section 400.0075, Florida  
3613 Statutes, is amended to read:

3614 400.0075 Complaint resolution procedures.--

3615 ~~(3) The state ombudsman council shall provide, as part of~~  
3616 ~~its annual report required pursuant to s. 400.0067(2)(f),~~  
3617 ~~information relating to the disposition of all complaints to the~~  
3618 ~~Department of Elderly Affairs.~~

3619 Section 133. Section 400.0089, Florida Statutes, is amended  
3620 to read:

BILL

ORIGINAL

YEAR

3621 400.0089 Complaint Agency reports.--The Office of State  
 3622 Long-Term Care Ombudsman Department of Elderly Affairs shall  
 3623 maintain a statewide uniform reporting system to collect and  
 3624 analyze data relating to complaints and conditions in long-term  
 3625 care facilities and to residents, for the purpose of identifying  
 3626 and resolving significant problems. ~~The department and the State~~  
 3627 ~~Long-Term Care Ombudsman Council shall submit such data as part~~  
 3628 ~~of its annual report required pursuant to s. 400.0067(2)(f) to~~  
 3629 ~~the Agency for Health Care Administration, the Department of~~  
 3630 ~~Children and Family Services, the Florida Statewide Advocacy~~  
 3631 ~~Council, the Advocacy Center for Persons with Disabilities, the~~  
 3632 ~~Commissioner for the United States Administration on Aging, the~~  
 3633 ~~National Ombudsman Resource Center, and any other state or~~  
 3634 ~~federal entities that the ombudsman determines appropriate. The~~  
 3635 office State Long-Term Care Ombudsman Council shall publish  
 3636 quarterly and make readily available information pertaining to  
 3637 the number and types of complaints received by the long-term care  
 3638 ombudsman program and shall include such information in the  
 3639 annual report required under s. 400.0067.

3640 Section 134. Section 400.148, Florida Statutes, is  
 3641 repealed.

3642 Section 135. Paragraph (g) of subsection (2) of section  
 3643 400.0239, Florida Statutes, is amended to read:

3644 400.0239 Quality of Long-Term Care Facility Improvement  
 3645 Trust Fund.--

3646 (2) Expenditures from the trust fund shall be allowable for  
 3647 direct support of the following:

3648 (g) Other initiatives authorized by the Centers for  
 3649 Medicare and Medicaid Services for the use of federal civil

BILL

ORIGINAL

YEAR

3650 monetary penalties, ~~including projects recommended through the~~  
3651 ~~Medicaid "Up or Out" Quality of Care Contract Management Program~~  
3652 ~~pursuant to s. 400.148.~~

3653       Section 136. Paragraph (b) of subsection (3) of section  
3654 400.407, Florida Statutes, is amended to read:

3655       400.407 License required; fee, display.--

3656       (3) Any license granted by the agency must state the  
3657 maximum resident capacity of the facility, the type of care for  
3658 which the license is granted, the date the license is issued, the  
3659 expiration date of the license, and any other information deemed  
3660 necessary by the agency. Licenses shall be issued for one or more  
3661 of the following categories of care: standard, extended  
3662 congregate care, limited nursing services, or limited mental  
3663 health.

3664       (b) An extended congregate care license shall be issued to  
3665 facilities providing, directly or through contract, services  
3666 beyond those authorized in paragraph (a), including acts  
3667 performed pursuant to part I of chapter 464 by persons licensed  
3668 thereunder, and supportive services defined by rule to persons  
3669 who otherwise would be disqualified from continued residence in a  
3670 facility licensed under this part.

3671       1. In order for extended congregate care services to be  
3672 provided in a facility licensed under this part, the agency must  
3673 first determine that all requirements established in law and rule  
3674 are met and must specifically designate, on the facility's  
3675 license, that such services may be provided and whether the  
3676 designation applies to all or part of a facility. Such  
3677 designation may be made at the time of initial licensure or  
3678 relicensure, or upon request in writing by a licensee under this



BILL

ORIGINAL

YEAR

part. Notification of approval or denial of such request shall be made within 90 days after receipt of such request and all necessary documentation. Existing facilities qualifying to provide extended congregate care services must have maintained a standard license and may not have been subject to administrative sanctions during the previous 2 years, or since initial licensure if the facility has been licensed for less than 2 years, for any of the following reasons:

a. A class I or class II violation;

b. Three or more repeat or recurring class III violations of identical or similar resident care standards as specified in rule from which a pattern of noncompliance is found by the agency;

c. Three or more class III violations that were not corrected in accordance with the corrective action plan approved by the agency;

d. Violation of resident care standards resulting in a requirement to employ the services of a consultant pharmacist or consultant dietitian;

e. Denial, suspension, or revocation of a license for another facility under this part in which the applicant for an extended congregate care license has at least 25 percent ownership interest; or

f. Imposition of a moratorium on admissions or initiation of injunctive proceedings.

2. Facilities that are licensed to provide extended congregate care services shall maintain a written progress report on each person who receives such services, which report describes the type, amount, duration, scope, and outcome of services that

BILL

ORIGINAL

YEAR

3708 are rendered and the general status of the resident's health. A  
 3709 registered nurse, or appropriate designee, representing the  
 3710 agency shall visit such facilities at least quarterly to monitor  
 3711 residents who are receiving extended congregate care services and  
 3712 to determine if the facility is in compliance with this part and  
 3713 with rules that relate to extended congregate care. One of these  
 3714 visits may be in conjunction with the regular survey. The  
 3715 monitoring visits may be provided through contractual  
 3716 arrangements with appropriate community agencies. A registered  
 3717 nurse shall serve as part of the team that inspects such  
 3718 facility. The agency may waive one of the required yearly  
 3719 monitoring visits for a facility that has been licensed for at  
 3720 least 24 months to provide extended congregate care services, if,  
 3721 during the inspection, the registered nurse determines that  
 3722 extended congregate care services are being provided  
 3723 appropriately, and if the facility has no class I or class II  
 3724 violations and no uncorrected class III violations. Before such  
 3725 decision is made, the agency shall consult with the long-term  
 3726 care ombudsman council for the area in which the facility is  
 3727 located to determine if any complaints have been made and  
 3728 substantiated about the quality of services or care. The agency  
 3729 may not waive one of the required yearly monitoring visits if  
 3730 complaints have been made and substantiated.

3731       3. Facilities that are licensed to provide extended  
 3732 congregate care services shall:

3733           a. Demonstrate the capability to meet unanticipated  
 3734 resident service needs.

3735           b. Offer a physical environment that promotes a homelike  
 3736 setting, provides for resident privacy, promotes resident

BILL

ORIGINAL

YEAR

3737 independence, and allows sufficient congregate space as defined  
3738 by rule.

3739       c. Have sufficient staff available, taking into account the  
3740 physical plant and firesafety features of the building, to assist  
3741 with the evacuation of residents in an emergency, as necessary.

3742       d. Adopt and follow policies and procedures that maximize  
3743 resident independence, dignity, choice, and decisionmaking to  
3744 permit residents to age in place to the extent possible, so that  
3745 moves due to changes in functional status are minimized or  
3746 avoided.

3747       e. Allow residents or, if applicable, a resident's  
3748 representative, designee, surrogate, guardian, or attorney in  
3749 fact to make a variety of personal choices, participate in  
3750 developing service plans, and share responsibility in  
3751 decisionmaking.

3752       f. Implement the concept of managed risk.

3753       g. Provide, either directly or through contract, the  
3754 services of a person licensed pursuant to part I of chapter 464.

3755       h. In addition to the training mandated in s. 400.452,  
3756 provide specialized training as defined by rule for facility  
3757 staff.

3758       4. Facilities licensed to provide extended congregate care  
3759 services are exempt from the criteria for continued residency as  
3760 set forth in rules adopted under s. 400.441. Facilities so  
3761 licensed shall adopt their own requirements within guidelines for  
3762 continued residency set forth by the department in rule. However,  
3763 such facilities may not serve residents who require 24-hour  
3764 nursing supervision. Facilities licensed to provide extended  
3765 congregate care services shall provide each resident with a

BILL

ORIGINAL

YEAR

written copy of facility policies governing admission and retention.

5. The primary purpose of extended congregate care services is to allow residents, as they become more impaired, the option of remaining in a familiar setting from which they would otherwise be disqualified for continued residency. A facility licensed to provide extended congregate care services may also admit an individual who exceeds the admission criteria for a facility with a standard license, if the individual is determined appropriate for admission to the extended congregate care facility.

6. Before admission of an individual to a facility licensed to provide extended congregate care services, the individual must undergo a medical examination as provided in s. 400.426(4) and the facility must develop a preliminary service plan for the individual.

7. When a facility can no longer provide or arrange for services in accordance with the resident's service plan and needs and the facility's policy, the facility shall make arrangements for relocating the person in accordance with s. 400.428(1)(k).

8. Failure to provide extended congregate care services may result in denial of extended congregate care license renewal.

~~9. No later than January 1 of each year, the department, in consultation with the agency, shall prepare and submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate legislative committees, a report on the status of, and recommendations related to, extended congregate care services. The status report~~

BILL

ORIGINAL

YEAR

3794 ~~must include, but need not be limited to, the following~~  
 3795 ~~information:~~

3796       ~~a. A description of the facilities licensed to provide such~~  
 3797 ~~services, including total number of beds licensed under this~~  
 3798 ~~part.~~

3799       ~~b. The number and characteristics of residents receiving~~  
 3800 ~~such services.~~

3801       ~~c. The types of services rendered that could not be~~  
 3802 ~~provided through a standard license.~~

3803       ~~d. An analysis of deficiencies cited during licensure~~  
 3804 ~~inspections.~~

3805       ~~e. The number of residents who required extended congregate~~  
 3806 ~~care services at admission and the source of admission.~~

3807       ~~f. Recommendations for statutory or regulatory changes.~~

3808       ~~g. The availability of extended congregate care to state~~  
 3809 ~~clients residing in facilities licensed under this part and in~~  
 3810 ~~need of additional services, and recommendations for~~  
 3811 ~~appropriations to subsidize extended congregate care services for~~  
 3812 ~~such persons.~~

3813       ~~h. Such other information as the department considers~~  
 3814 ~~appropriate.~~

3815       Section 137. Paragraph (i) of subsection (1) of section  
 3816 400.408, Florida Statutes, is amended to read:

3817       400.408   Unlicensed facilities; referral of person for  
 3818 residency to unlicensed facility; penalties; verification of  
 3819 licensure status.--

3820       (1)

3821       ~~(i) Each field office of the Agency for Health Care~~  
 3822 ~~Administration shall establish a local coordinating workgroup~~

BILL

ORIGINAL

YEAR

3823 ~~which includes representatives of local law enforcement agencies,~~  
 3824 ~~state attorneys, the Medicaid Fraud Control Unit of the~~  
 3825 ~~Department of Legal Affairs, local fire authorities, the~~  
 3826 ~~Department of Children and Family Services, the district long-~~  
 3827 ~~term care ombudsman council, and the district human rights~~  
 3828 ~~advocacy committee to assist in identifying the operation of~~  
 3829 ~~unlicensed facilities and to develop and implement a plan to~~  
 3830 ~~ensure effective enforcement of state laws relating to such~~  
 3831 ~~facilities. The workgroup shall report its findings, actions, and~~  
 3832 ~~recommendations semiannually to the Director of Health Facility~~  
 3833 ~~Regulation of the agency.~~

3834       Section 138. Subsection (13) of section 400.419, Florida  
 3835 Statutes, is amended to read:

3836       400.419 Violations; imposition of administrative fines;  
 3837 grounds.--

3838       (13) The agency shall develop and disseminate an annual  
 3839 list of all facilities sanctioned or fined \$5,000 or more for  
 3840 violations of state standards, the number and class of violations  
 3841 involved, the penalties imposed, and the current status of cases.  
 3842 The list shall be disseminated, at no charge, to the Department  
 3843 of Elderly Affairs, the Department of Health, the Department of  
 3844 Children and Family Services, the Agency for Persons with  
 3845 Disabilities, the area agencies on aging, the Florida Statewide  
 3846 Advocacy Council, and the state and local ombudsman councils. The  
 3847 Department of Children and Family Services shall disseminate the  
 3848 list to service providers under contract to the department who  
 3849 are responsible for referring persons to a facility for  
 3850 residency. The agency may charge a fee commensurate with the cost

BILL

ORIGINAL

YEAR

3851 of printing and postage to other interested parties requesting a  
3852 copy of this list.

3853       Section 139. Subsection (4) of section 400.441, Florida  
3854 Statutes, is amended to read:

3855           400.441 Rules establishing standards.--

3856       (4) The agency may use an abbreviated biennial standard  
3857 licensure inspection that consists of a review of key quality-of-  
3858 care standards in lieu of a full inspection in facilities which  
3859 have a good record of past performance. However, a full  
3860 inspection shall be conducted in facilities which have had a  
3861 history of class I or class II violations, uncorrected class III  
3862 violations, confirmed ombudsman council complaints, or confirmed  
3863 licensure complaints, within the previous licensure period  
3864 immediately preceding the inspection or when a potentially  
3865 serious problem is identified during the abbreviated inspection.  
3866 The agency, in consultation with the department, shall develop  
3867 the key quality-of-care standards with input from the State Long-  
3868 Term Care Ombudsman Council and representatives of provider  
3869 groups for incorporation into its rules. ~~The department, in~~  
3870 ~~consultation with the agency, shall report annually to the~~  
3871 ~~Legislature concerning its implementation of this subsection. The~~  
3872 ~~report shall include, at a minimum, the key quality of care~~  
3873 ~~standards which have been developed; the number of facilities~~  
3874 ~~identified as being eligible for the abbreviated inspection; the~~  
3875 ~~number of facilities which have received the abbreviated~~  
3876 ~~inspection and, of those, the number that were converted to full~~  
3877 ~~inspection; the number and type of subsequent complaints received~~  
3878 ~~by the agency or department on facilities which have had~~  
3879 ~~abbreviated inspections; any recommendations for modification to~~

BILL

ORIGINAL

YEAR

3880 ~~this subsection; any plans by the agency to modify its~~  
 3881 ~~implementation of this subsection; and any other information~~  
 3882 ~~which the department believes should be reported.~~

3883       Section 140. Subsection (2) of section 400.967, Florida  
 3884 Statutes, is amended to read:

3885       400.967 Rules and classification of deficiencies.--

3886       (2) Pursuant to the intention of the Legislature, the  
 3887 agency, in consultation with the Agency for Persons with  
 3888 Disabilities ~~Department of Children and Family Services~~ and the  
 3889 Department of Elderly Affairs, shall adopt and enforce rules to  
 3890 administer this part, which shall include reasonable and fair  
 3891 criteria governing:

3892       (a) The location and construction of the facility;  
 3893 including fire and life safety, plumbing, heating, cooling,  
 3894 lighting, ventilation, and other housing conditions that will  
 3895 ensure the health, safety, and comfort of residents. The agency  
 3896 shall establish standards for facilities and equipment to  
 3897 increase the extent to which new facilities and a new wing or  
 3898 floor added to an existing facility after July 1, 2000, are  
 3899 structurally capable of serving as shelters only for residents,  
 3900 staff, and families of residents and staff, and equipped to be  
 3901 self-supporting during and immediately following disasters. ~~The~~  
 3902 ~~Agency for Health Care Administration shall work with facilities~~  
 3903 ~~licensed under this part and report to the Governor and the~~  
 3904 ~~Legislature by April 1, 2000, its recommendations for cost-~~  
 3905 ~~effective renovation standards to be applied to existing~~  
 3906 ~~facilities. In making such rules, the agency shall be guided by~~  
 3907 ~~criteria recommended by nationally recognized, reputable~~  
 3908 ~~professional groups and associations having knowledge concerning~~



BILL

ORIGINAL

YEAR

3909 ~~such subject matters.~~ The agency shall update or revise such  
 3910 criteria as the need arises. All facilities must comply with  
 3911 those lifesafety code requirements and building code standards  
 3912 applicable at the time of approval of their construction plans.  
 3913 The agency may require alterations to a building if it determines  
 3914 that an existing condition constitutes a distinct hazard to life,  
 3915 health, or safety. The agency shall adopt fair and reasonable  
 3916 rules setting forth conditions under which existing facilities  
 3917 undergoing additions, alterations, conversions, renovations, or  
 3918 repairs are required to comply with the most recent updated or  
 3919 revised standards.

3920       (b) The number and qualifications of all personnel,  
 3921 including management, ~~medical~~ nursing, and other personnel,  
 3922 having responsibility for any part of the care given to  
 3923 residents.

3924       (c) All sanitary conditions within the facility and its  
 3925 surroundings, including water supply, sewage disposal, food  
 3926 handling, and general hygiene, which will ensure the health and  
 3927 comfort of residents.

3928       (d) The equipment essential to the health and welfare of  
 3929 the residents.

3930       (e) A uniform accounting system.

3931       (f) The care, treatment, and maintenance of residents and  
 3932 measurement of the quality and adequacy thereof.

3933       (g) The preparation and annual update of a comprehensive  
 3934 emergency management plan. The agency shall adopt rules  
 3935 establishing minimum criteria for the plan after consultation  
 3936 with the Department of Community Affairs. At a minimum, the rules  
 3937 must provide for plan components that address emergency

BILL

ORIGINAL

YEAR

3938 evacuation transportation; adequate sheltering arrangements;  
 3939 postdisaster activities, including emergency power, food, and  
 3940 water; postdisaster transportation; supplies; staffing; emergency  
 3941 equipment; individual identification of residents and transfer of  
 3942 records; and responding to family inquiries. The comprehensive  
 3943 emergency management plan is subject to review and approval by  
 3944 the local emergency management agency. During its review, the  
 3945 local emergency management agency shall ensure that the following  
 3946 agencies, at a minimum, are given the opportunity to review the  
 3947 plan: the Department of Elderly Affairs, the Agency for Persons  
 3948 with Disabilities ~~Department of Children and Family Services~~, the  
 3949 Agency for Health Care Administration, and the Department of  
 3950 Community Affairs. Also, appropriate volunteer organizations must  
 3951 be given the opportunity to review the plan. The local emergency  
 3952 management agency shall complete its review within 60 days and  
 3953 either approve the plan or advise the facility of necessary  
 3954 revisions.

3955 (h) Each licensee shall post its license in a prominent  
 3956 place that is in clear and unobstructed public view at or near  
 3957 the place where residents are being admitted to the facility.

3958 Section 141. Subsection (3) of section 402.3016, Florida  
 3959 Statutes, is amended to read:

3960 402.3016 Early Head Start collaboration grants.--

3961 ~~(3) The Agency for Workforce Innovation shall report to the~~  
 3962 ~~Legislature on an annual basis the number of agencies receiving~~  
 3963 ~~Early Head Start collaboration grants and the number of children~~  
 3964 ~~served.~~

3965 Section 142. Subsection (9) of section 402.40, Florida  
 3966 Statutes, is amended to read:

BILL

ORIGINAL

YEAR

3967           402.40   Child welfare training.--

3968           ~~(9) MODIFICATION OF CHILD WELFARE TRAINING. The core~~

3969 ~~competencies determined pursuant to subsection (5), the minimum~~

3970 ~~standards for the certification process and the minimum standards~~

3971 ~~for trainer qualifications established pursuant to subsection~~

3972 ~~(7), must be submitted to the appropriate substantive committees~~

3973 ~~of the Senate and the House of Representatives before~~

3974 ~~competitively soliciting either the development, validation, or~~

3975 ~~periodic evaluation of the training curricula or the training~~

3976 ~~academy contracts.~~

3977           Section 143. Paragraph (c) of subsection (1) of section

3978 402.73, Florida Statutes, is amended to read:

3979           402.73   Contracting and performance standards.--

3980           (1)   The Department of Children and Family Services shall

3981 establish performance standards for all contracted client

3982 services. Notwithstanding s. 287.057(5)(f), the department must

3983 competitively procure any contract for client services when any

3984 of the following occurs:

3985           (c)   The department has concluded, after reviewing market

3986 prices and available treatment options, that there is evidence

3987 that the department can improve the performance outcomes produced

3988 by its contract resources. At a minimum, the department shall

3989 review market prices and available treatment options biennially.

3990 ~~The department shall compile the results of the biennial review~~

3991 ~~and include the results in its annual performance report to the~~

3992 ~~Legislature pursuant to chapter 94-249, Laws of Florida. The~~

3993 department shall provide notice and an opportunity for public

3994 comment on its review of market prices and available treatment

3995 options.

BILL

ORIGINAL

YEAR

3996           Section 144. Paragraph (d) of subsection (2) and paragraph  
3997 (c) of subsection (6) of section 403.067, Florida Statutes, are  
3998 amended to read:

3999           403.067 Establishment and implementation of total maximum  
4000 daily loads.--

4001           (2) LIST OF SURFACE WATERS OR SEGMENTS.--In accordance with  
4002 s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C.  
4003 ss. 1251 et seq., the department must submit periodically to the  
4004 United States Environmental Protection Agency a list of surface  
4005 waters or segments for which total maximum daily load assessments  
4006 will be conducted. The assessments shall evaluate the water  
4007 quality conditions of the listed waters and, if such waters are  
4008 determined not to meet water quality standards, total maximum  
4009 daily loads shall be established, subject to the provisions of  
4010 subsection (4). The department shall establish a priority ranking  
4011 and schedule for analyzing such waters.

4012           (d) If the department proposes to implement total maximum  
4013 daily load calculations or allocations established prior to the  
4014 effective date of this act, the department shall adopt those  
4015 calculations and allocations by rule by the secretary pursuant to  
4016 ss. 120.536(1) and 120.54 and paragraph (6) (c) ~~(d)~~.

4017           (6) CALCULATION AND ALLOCATION.--

4018           ~~(c) Not later than February 1, 2001, the department shall~~  
4019 ~~submit a report to the Governor, the President of the Senate, and~~  
4020 ~~the Speaker of the House of Representatives containing~~  
4021 ~~recommendations, including draft legislation, for any~~  
4022 ~~modifications to the process for allocating total maximum daily~~  
4023 ~~loads, including the relationship between allocations and the~~  
4024 ~~watershed or basin management planning process. Such~~

BILL

ORIGINAL

YEAR

4025 ~~recommendations shall be developed by the department in~~  
 4026 ~~cooperation with a technical advisory committee which includes~~  
 4027 ~~representatives of affected parties, environmental organizations,~~  
 4028 ~~water management districts, and other appropriate local, state,~~  
 4029 ~~and federal government agencies. The technical advisory committee~~  
 4030 ~~shall also include such members as may be designated by the~~  
 4031 ~~President of the Senate and the Speaker of the House of~~  
 4032 ~~Representatives.~~

4033       Section 145. Subsection (3) of section 403.4131, Florida  
 4034 Statutes, is amended to read:

4035       403.4131 "Keep Florida Beautiful, Incorporated"; placement  
 4036 of signs.--

4037       (3) The Department of Transportation shall establish an  
 4038 "adopt-a-highway" program to allow local organizations to be  
 4039 identified with specific highway cleanup and highway  
 4040 beautification projects authorized under s. 339.2405 and shall  
 4041 coordinate such efforts with Keep Florida Beautiful, Inc. ~~The~~  
 4042 ~~department shall report to the Governor and the Legislature on~~  
 4043 ~~the progress achieved and the savings incurred by the "adopt a~~  
 4044 ~~highway" program.~~ The department shall also monitor ~~and report on~~  
 4045 compliance with the provisions of the ~~adopt a highway~~ program to  
 4046 ensure that organizations that participate ~~in the program~~ comply  
 4047 with the goals identified by the department.

4048       Section 146. Section 403.756, Florida Statutes, is  
 4049 repealed.

4050       Section 147. Section 403.7226, Florida Statutes, is amended  
 4051 to read:

4052       403.7226 Technical assistance by the department.--The  
 4053 department shall÷

BILL

ORIGINAL

YEAR

4054        ~~(1)~~ provide technical assistance to county governments and  
4055 regional planning councils to ensure consistency in implementing  
4056 local hazardous waste management assessments as provided in ss.  
4057 403.7225, 403.7234, and 403.7236. In order to ensure that each  
4058 local assessment is properly implemented and that all information  
4059 gathered during the assessment is uniformly compiled and  
4060 documented, each county or regional planning council shall  
4061 contact the department during the preparation of the local  
4062 assessment to receive technical assistance. Each county or  
4063 regional planning council shall follow guidelines established by  
4064 the department, and adopted by rule as appropriate, in order to  
4065 properly implement these assessments.

4066        ~~(2) Identify short term needs and long term needs for~~  
4067 ~~hazardous waste management for the state on the basis of the~~  
4068 ~~information gathered through the local hazardous waste management~~  
4069 ~~assessments and other information from state and federal~~  
4070 ~~regulatory agencies and sources. The state needs assessment must~~  
4071 ~~be ongoing and must be updated when new data concerning waste~~  
4072 ~~generation and waste management technologies become available.~~  
4073 ~~The department shall annually send a copy of this assessment to~~  
4074 ~~the Governor and to the Legislature.~~

4075        Section 148. Subsection (2) of section 403.7265, Florida  
4076 Statutes, is amended to read:

4077        403.7265 Local hazardous waste collection program.--

4078        ~~(2) The department shall develop a statewide local~~  
4079 ~~hazardous waste management plan which will ensure comprehensive~~  
4080 ~~collection and proper management of hazardous waste from small~~  
4081 ~~quantity generators and household hazardous waste in Florida. The~~  
4082 ~~plan shall address, at a minimum, a network of local collection~~

BILL

ORIGINAL

YEAR

~~centers, transfer stations, and expanded hazardous waste collection route services. The plan shall assess the need for additional compliance verification inspections, enforcement, and penalties. The plan shall include a strategy, timetable, and budget for implementation.~~

Section 149. Paragraph (b) of subsection (1) of section 403.7264, Florida Statutes, is amended to read:

403.7264 Amnesty days for purging small quantities of hazardous wastes.--Amnesty days are authorized by the state for the purpose of purging small quantities of hazardous waste, free of charge, from the possession of homeowners, farmers, schools, state agencies, and small businesses. These entities have no appropriate economically feasible mechanism for disposing of their hazardous wastes at the present time. In order to raise public awareness on this issue, provide an educational process, accommodate those entities which have a need to dispose of small quantities of hazardous waste, and preserve the waters of the state, amnesty days shall be carried out in the following manner:

(1)

(b) If a local government has established a local or regional hazardous waste collection center pursuant to s. 403.7265 (2) ~~(3)~~ and such center is in operation, the department and the local government may enter into a contract whereby the local government shall administer and supervise amnesty days. If a contract is entered into, the department shall provide to the local government, from funds appropriated to the department for amnesty days, an amount of money as determined by the department that is equal to the amount of money that would have been spent by the department to administer and supervise amnesty days in the

BILL

ORIGINAL

YEAR

local government's area. A local government that wishes to administer and supervise amnesty days shall notify the department at least 30 days prior to the beginning of the state fiscal year during which the amnesty days are scheduled to be held in the local government's area.

Section 150. Paragraphs (b) and (d) of subsection (3) and subsection (5) of section 403.7895, Florida Statutes, are amended to read:

403.7895 Requirements for the permitting and certification of commercial hazardous waste incinerators.--

(3) CERTIFICATION OF NEED.--

(b) The board shall make a determination of the need for hazardous waste incinerators, based upon the best available evidence of existing and projected need and available capacity, as presented by the applicant, ~~and as determined by the study required by subsection (5).~~

~~(d) The board shall not make a determination of need for any hazardous waste incinerator until the study required by subsection (5) is completed.~~

~~(5) HAZARDOUS WASTE NEEDS AND CAPACITY STUDY.--~~

~~(a) The department shall conduct, by November 1, 1994, or the date by which phase 2 of the next capacity assurance plan must be submitted to the United States Environmental Protection Agency, whichever date occurs first, a comprehensive independent study of the current and future need for hazardous waste incineration in the state. The study shall evaluate the projected statewide capacity needs for a 20-year period. The study shall be updated at least every 5 years.~~



BILL

ORIGINAL

YEAR

~~(b) The department shall consult with state and nationally recognized experts in the field of hazardous waste management, including representatives from state and federal agencies, industry, local government, environmental groups, universities, and other interested parties.~~

~~(c) The study components shall include but not be limited to the following:~~

~~1. Existing and projected sources, amounts, and types of hazardous waste in the state for which incineration is an appropriate treatment alternative, taking into account all applicable federal regulations on the disposal, storage and treatment or definition of hazardous waste.~~

~~2. Existing and projected hazardous waste incinerator capacity in the state and the nation.~~

~~3. Existing and projected hazardous waste incineration capacity in boilers and industrial furnaces in the state and the nation.~~

~~4. Existing and projected hazardous waste incineration needs, specifically taking into account the impacts of pollution prevention, recycling, and other waste reduction strategies.~~

~~5. Any other impacts associated with construction of excess hazardous waste incineration capacity in this state.~~

~~(d) Upon completion of the study, the department shall present its findings and make recommendations to the board and the Legislature regarding changes in state hazardous waste policies and management strategies. The recommendations shall address the advisability of establishing by statute the maximum capacity for hazardous waste incineration in this state.~~

BILL

ORIGINAL

YEAR

4168           Section 151. Paragraph (a) of subsection (4) of section  
4169   406.02, Florida Statutes, is amended to read:  
4170           406.02 Medical Examiners Commission; membership; terms;  
4171   duties; staff.--  
4172           (4) The Medical Examiners Commission shall:  
4173           ~~(a) Submit annual reports to the Governor and Legislature~~  
4174   ~~correlating and setting forth the activities and findings of the~~  
4175   ~~several district medical examiners appointed pursuant to this~~  
4176   ~~act. A copy of that report shall also be provided to each board~~  
4177   ~~of county commissioners.~~  
4178           Section 152. Paragraph (g) of subsection (1) of section  
4179   408.033, Florida Statutes, is amended to read:  
4180           408.033 Local and state health planning.--  
4181           (1) LOCAL HEALTH COUNCILS.--  
4182           (g) Each local health council is authorized to accept and  
4183   receive, in furtherance of its health planning functions, funds,  
4184   grants, and services from governmental agencies and from private  
4185   or civic sources and to perform studies related to local health  
4186   planning in exchange for such funds, grants, or services. Each  
4187   ~~local health~~ council shall, no later than January 30 of each  
4188   year, render an accounting of the receipt and disbursement of  
4189   such funds received by it to the Department of Health. ~~The~~  
4190   ~~department shall consolidate all such reports and submit such~~  
4191   ~~consolidated report to the Legislature no later than March 1 of~~  
4192   ~~each year.~~  
4193           Section 153. Subsection (4) of section 408.914, Florida  
4194   Statutes, is amended to read:  
4195           408.914 Phased implementation plan.--The Agency for Health  
4196   Care Administration, in consultation with the Health Care Access

BILL

ORIGINAL

YEAR

4197 Steering Committee created in s. 408.916, shall phase in the  
4198 implementation of the Comprehensive Health and Human Services  
4199 Eligibility Access System.

4200 ~~(4) The Agency for Health Care Administration, in~~  
4201 ~~consultation with the steering committee, shall complete analysis~~  
4202 ~~of the initial pilot project by November 1, 2003, and by January~~  
4203 ~~1, 2004, shall submit a plan to the Governor, the President of~~  
4204 ~~the Senate, and the Speaker of the House of Representatives for~~  
4205 ~~statewide implementation of all components of the system, if~~  
4206 ~~warranted. This plan must also include recommendations for~~  
4207 ~~incorporating additional public assistance and human services~~  
4208 ~~programs into the Comprehensive Health and Human Services~~  
4209 ~~Eligibility Access System.~~

4210 Section 154. Paragraph (i) of subsection (3) of section  
4211 408.915, Florida Statutes, is amended to read:

4212 408.915 Eligibility pilot project.--The Agency for Health  
4213 Care Administration, in consultation with the steering committee  
4214 established in s. 408.916, shall develop and implement a pilot  
4215 project to integrate the determination of eligibility for health  
4216 care services with information and referral services.

4217 (3) The information and referral provider in the site  
4218 selected as the pilot project shall, at a minimum:

4219 ~~(i) Provide periodic reports to the Governor, the President~~  
4220 ~~of the Senate, and the Speaker of the House of Representatives on~~  
4221 ~~the use of the information and referral system and on measures~~  
4222 ~~that demonstrate the effectiveness and efficiency of the~~  
4223 ~~information and referral services provided.~~

4224 Section 155. Section 408.917, Florida Statutes, is  
4225 repealed.

BILL

ORIGINAL

YEAR

4226           Section 156. Paragraph (b) of subsection (7) of section  
4227   409.1451, Florida Statutes, is amended to read:  
4228           409.1451 Independent living transition services.--  
4229           (7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.--The  
4230   Secretary of Children and Family Services shall establish the  
4231   Independent Living Services Advisory Council for the purpose of  
4232   reviewing and making recommendations concerning the  
4233   implementation and operation of the independent living transition  
4234   services. This advisory council shall continue to function as  
4235   specified in this subsection until the Legislature determines  
4236   that the advisory council can no longer provide a valuable  
4237   contribution to the department's efforts to achieve the goals of  
4238   the independent living transition services.  
4239           (b) The advisory council shall report to the secretary  
4240   ~~appropriate substantive committees of the Senate and the House of~~  
4241   ~~Representatives~~ on the status of the implementation of the system  
4242   of independent living transition services; efforts to publicize  
4243   the availability of aftercare support services, the Road-to-  
4244   Independence Scholarship Program, and transitional support  
4245   services; specific barriers to financial aid created by the  
4246   scholarship and possible solutions; the success of the services;  
4247   problems identified; recommendations for department or  
4248   legislative action; and the department's implementation of the  
4249   recommendations contained in the Independent Living Services  
4250   Integration Workgroup Report submitted to the Senate and the  
4251   House substantive committees December 31, 2002. The department  
4252   shall submit a report by December 31 of each year to the Governor  
4253   and Legislature ~~This advisory council report shall be submitted~~  
4254   ~~by December 31 of each year that the council is in existence and~~

BILL

ORIGINAL

YEAR

shall be accompanied by a report from the department which includes a summary of the factors reported on by the council and identifies the recommendations of the advisory council and either describes the department's actions to implement these recommendations or provides the department's rationale for not implementing the recommendations.

Section 157. Section 409.146, Florida Statutes, is repealed.

Section 158. Section 409.152, Florida Statutes, is repealed.

Section 159. Subsections (1) and (2) of section 409.1679, Florida Statutes, are amended to read:

409.1679 Additional requirements; ~~effective date,~~  
reimbursement methodology, ~~and evaluation.~~--

~~(1) The programs established under ss. 409.1676 and 409.1677 are to be operational within 6 months after those sections take effect, and, beginning 1 month after this section takes effect and continuing until full operation of those programs is realized, the department shall provide to the Legislature monthly written status reports on the progress toward implementing those programs.~~

~~(2) The programs established under ss. 409.1676 and 409.1677 must be included as part of the annual evaluation currently required under s. 409.1671. With respect to these specific programs and models, the annual evaluation must be conducted by an independent third party and must include, by specific site, the level of attainment of the targeted outcomes listed in subsection (3). The evaluation of the model programs must include, at a minimum, an assessment of their cost~~

BILL

ORIGINAL

YEAR

~~effectiveness, of their ability to successfully implement the assigned program elements, and of their attainment of performance standards that include legislatively established standards for similar programs and other standards determined jointly by the department and the providers and stated in a contract.~~

Section 160. Section 409.1685, Florida Statutes, is amended to read:

409.1685 Children in foster care; annual report to Legislature.--The Department of Children and Family Services shall submit a written report to the Governor and ~~substantive committees of the~~ Legislature concerning the status of children in foster care and ~~concerning~~ the judicial review mandated by part X of chapter 39. This report shall be submitted by May ~~March~~ 1 of each year and shall include the following information for the prior calendar year:

(1) The number of 6-month and annual judicial reviews completed during that period.

(2) The number of children in foster care returned to a parent, guardian, or relative as a result of a 6-month or annual judicial review hearing during that period.

(3) The number of termination of parental rights proceedings instituted during that period which shall include:

(a) The number of termination of parental rights proceedings initiated pursuant to s. 39.703; and

(b) The total number of terminations of parental rights ordered.

(4) The number of foster care children placed for adoption during that period.

BILL

ORIGINAL

YEAR

4312           Section 161. Paragraph (d) of subsection (5) of section  
4313   409.178, Florida Statutes, is amended to read:

4314           409.178   Child Care Executive Partnership Act; findings and  
4315   intent; grant; limitation; rules.--

4316           (5)

4317           (d)   Each community coordinated child care agency shall be  
4318   required to establish a community child care task force for each  
4319   child care purchasing pool. The task force must be composed of  
4320   employers, parents, private child care providers, and one  
4321   representative from the local children's services council, if one  
4322   exists in the area of the purchasing pool. The community  
4323   coordinated child care agency is expected to recruit the task  
4324   force members from existing child care councils, commissions, or  
4325   task forces already operating in the area of a purchasing pool. A  
4326   majority of the task force shall consist of employers. ~~Each task~~  
4327   ~~force shall develop a plan for the use of child care purchasing~~  
4328   ~~pool funds. The plan must show how many children will be served~~  
4329   ~~by the purchasing pool, how many will be new to receiving child~~  
4330   ~~care services, and how the community coordinated child care~~  
4331   ~~agency intends to attract new employers and their employees to~~  
4332   ~~the program.~~

4333           Section 162. Paragraph (k) of subsection (4) of section  
4334   409.221, Florida Statutes, is amended to read:

4335           409.221   Consumer-directed care program.--

4336           (4)   CONSUMER-DIRECTED CARE.--

4337           ~~(k)   Reviews and reports.   The agency and the Departments of~~  
4338   ~~Elderly Affairs, Health, and Children and Family Services shall~~  
4339   ~~each, on an ongoing basis, review and assess the implementation~~  
4340   ~~of the consumer directed care program. By January 15 of each~~

BILL

ORIGINAL

YEAR

~~year, the agency shall submit a written report to the Legislature that includes each department's review of the program and contains recommendations for improvements to the program.~~

Section 163. Paragraph (a) of subsection (3) of section 409.25575, Florida Statutes, is amended to read:

409.25575 Support enforcement; privatization.--

(3)(a) The department shall establish a quality assurance program for the privatization of services. The quality assurance program must include standards for each specific component of these services. The department shall establish minimum thresholds for each component. Each program operated pursuant to contract must be evaluated annually by the department or by an objective competent entity designated by the department under the provisions of the quality assurance program. The evaluation must be financed from cost savings associated with the privatization of services. ~~The department shall submit an annual report regarding quality performance, outcome measure attainment, and cost efficiency to the President of the Senate, the Speaker of the House of Representatives, the Minority leader of each house of the Legislature, and the Governor no later than January 31 of each year, beginning in 1999.~~ The quality assurance program must be financed through administrative savings generated by this act.

Section 164. Subsection (7) of section 409.2558, Florida Statutes, is amended to read:

409.2558 Support distribution and disbursement.--

(7) RULEMAKING AUTHORITY.--The department may adopt rules to administer this section. ~~The department shall provide a draft of the proposed concepts for the rule for the undistributable collections to interested parties for review and recommendations~~



BILL

ORIGINAL

YEAR

4370 ~~prior to full development of the rule and initiating the formal~~  
 4371 ~~rule development process. The department shall consider but is~~  
 4372 ~~not required to implement the recommendations. The department~~  
 4373 ~~shall provide a report to the President of the Senate and the~~  
 4374 ~~Speaker of the House of Representatives containing the~~  
 4375 ~~recommendations received from interested parties and the~~  
 4376 ~~department's response regarding incorporating the recommendations~~  
 4377 ~~into the rule.~~

4378         Section 165.   Section 409.2567, Florida Statutes, is amended  
 4379 to read:

4380         409.2567   Services to individuals not otherwise  
 4381 eligible.--All support services provided by the department shall  
 4382 be made available on behalf of all dependent children. Services  
 4383 shall be provided upon acceptance of public assistance or upon  
 4384 proper application filed with the department. The department  
 4385 shall adopt rules to provide for the payment of a \$25 application  
 4386 fee from each applicant who is not a public assistance recipient.  
 4387 The application fee shall be deposited in the Child Support  
 4388 Enforcement Application and Program Revenue Trust Fund within the  
 4389 Department of Revenue to be used for the Child Support  
 4390 Enforcement Program. The obligor is responsible for all  
 4391 administrative costs, as defined in s. 409.2554. The court shall  
 4392 order payment of administrative costs without requiring the  
 4393 department to have a member of the bar testify or submit an  
 4394 affidavit as to the reasonableness of the costs. An attorney-  
 4395 client relationship exists only between the department and the  
 4396 legal services providers in Title IV-D cases. The attorney shall  
 4397 advise the obligee in Title IV-D cases that the attorney  
 4398 represents the agency and not the obligee. In Title IV-D cases,

BILL

ORIGINAL

YEAR

4399 any costs, including filing fees, recording fees, mediation  
 4400 costs, service of process fees, and other expenses incurred by  
 4401 the clerk of the circuit court, shall be assessed only against  
 4402 the nonprevailing obligor after the court makes a determination  
 4403 of the nonprevailing obligor's ability to pay such costs and  
 4404 fees. In any case where the court does not award all costs, the  
 4405 court shall state in the record its reasons for not awarding the  
 4406 costs. The Department of Revenue shall not be considered a party  
 4407 for purposes of this section; however, fees may be assessed  
 4408 against the department pursuant to s. 57.105(1). ~~The department~~  
 4409 ~~shall submit a monthly report to the Governor and the chairs of~~  
 4410 ~~the Health and Human Services Fiscal Committee of the House of~~  
 4411 ~~Representatives and the Ways and Means Committee of the Senate~~  
 4412 ~~specifying the funds identified for collection from the~~  
 4413 ~~noncustodial parents of children receiving temporary assistance~~  
 4414 ~~and the amounts actually collected.~~

4415       Section 166. Subsection (3) of section 409.441, Florida  
 4416 Statutes, is amended to read:

4417       409.441 Runaway youth programs and centers.--

4418       ~~(3) STATE PLAN FOR THE HANDLING OF RUNAWAY YOUTHS.--~~

4419       ~~(a) The department shall develop a state plan for the~~  
 4420 ~~handling of runaway youths and for providing services connected~~  
 4421 ~~with the runaway problem. The plan shall be submitted to the~~  
 4422 ~~Speaker of the House of Representatives, the President of the~~  
 4423 ~~Senate, and the Governor no later than February 1, 1984.~~

4424       ~~(b) The plan shall include:~~

4425       ~~1. Needs assessments for the state and for each district,~~

BILL

ORIGINAL

YEAR

4426           ~~2. Criteria and procedures for handling and referral of~~  
4427 ~~troubled youths and runaway youths using the least restrictive~~  
4428 ~~alternatives available;~~  
4429           ~~3. Provisions for contacting parents or guardians;~~  
4430           ~~4. Policy for coordinating relationships between involved~~  
4431 ~~agencies, runaway youth centers, law enforcement agencies, and~~  
4432 ~~the department;~~  
4433           ~~5. Statewide statistics on client groups;~~  
4434           ~~6. Funding formulas for runaway youth centers which provide~~  
4435 ~~standard services and receive state funds; and~~  
4436           ~~7. Standards and program goals for runaway youth centers,~~  
4437 ~~with emphasis on early intervention and aftercare.~~  
4438           Section 167. Subsection (24) of section 409.906, Florida  
4439 Statutes, is amended to read:  
4440           409.906 Optional Medicaid services.--Subject to specific  
4441 appropriations, the agency may make payments for services which  
4442 are optional to the state under Title XIX of the Social Security  
4443 Act and are furnished by Medicaid providers to recipients who are  
4444 determined to be eligible on the dates on which the services were  
4445 provided. Any optional service that is provided shall be provided  
4446 only when medically necessary and in accordance with state and  
4447 federal law. Optional services rendered by providers in mobile  
4448 units to Medicaid recipients may be restricted or prohibited by  
4449 the agency. Nothing in this section shall be construed to prevent  
4450 or limit the agency from adjusting fees, reimbursement rates,  
4451 lengths of stay, number of visits, or number of services, or  
4452 making any other adjustments necessary to comply with the  
4453 availability of moneys and any limitations or directions provided  
4454 for in the General Appropriations Act or chapter 216. If

BILL

ORIGINAL

YEAR

4455 necessary to safeguard the state's systems of providing services  
 4456 to elderly and disabled persons and subject to the notice and  
 4457 review provisions of s. 216.177, the Governor may direct the  
 4458 Agency for Health Care Administration to amend the Medicaid state  
 4459 plan to delete the optional Medicaid service known as  
 4460 "Intermediate Care Facilities for the Developmentally Disabled."  
 4461 Optional services may include:  
 4462       (24) CHILD-WELFARE-TARGETED CASE MANAGEMENT.--The Agency  
 4463 for Health Care Administration, in consultation with the  
 4464 Department of Children and Family Services, may establish a  
 4465 targeted case-management project in those counties identified by  
 4466 the Department of Children and Family Services and for all  
 4467 counties with a community-based child welfare project, as  
 4468 authorized under s. 409.1671, which have been specifically  
 4469 approved by the department. ~~Results of targeted case management~~  
 4470 ~~projects shall be reported to the Social Services Estimating~~  
 4471 ~~Conference established under s. 216.136.~~ The covered group of  
 4472 individuals who are eligible to receive targeted case management  
 4473 include children who are eligible for Medicaid; who are between  
 4474 the ages of birth through 21; and who are under protective  
 4475 supervision or postplacement supervision, under foster-care  
 4476 supervision, or in shelter care or foster care. The number of  
 4477 individuals who are eligible to receive targeted case management  
 4478 shall be limited to the number for whom the Department of  
 4479 Children and Family Services has available matching funds to  
 4480 cover the costs. The general revenue funds required to match the  
 4481 funds for services provided by the community-based child welfare  
 4482 projects are limited to funds available for services described  
 4483 under s. 409.1671. The Department of Children and Family Services

BILL

ORIGINAL

YEAR

may transfer the general revenue matching funds as billed by the Agency for Health Care Administration.

Section 168. Subsections (4) and (5) of section 409.9065, Florida Statutes, are amended to read:

409.9065 Pharmaceutical expense assistance.--

(4) ADMINISTRATION.--The pharmaceutical expense assistance program shall be administered by the agency, in collaboration with the Department of Elderly Affairs and the Department of Children and Family Services.

~~(a)~~ The agency shall, by rule, establish for the pharmaceutical expense assistance program eligibility requirements; limits on participation; benefit limitations, including copayments; a requirement for generic drug substitution; and other program parameters comparable to those of the Medicaid program. Individuals eligible to participate in this program are not subject to the limit of four brand name drugs per month per recipient as specified in s. 409.912(40)(a). There shall be no monetary limit on prescription drugs purchased with discounts of less than 51 percent unless the agency determines there is a risk of a funding shortfall in the program. If the agency determines there is a risk of a funding shortfall, the agency may establish monetary limits on prescription drugs which shall not be less than \$160 worth of prescription drugs per month.

~~(b) By January 1 of each year, the agency shall report to the Legislature on the operation of the program. The report shall include information on the number of individuals served, use rates, and expenditures under the program. The report shall also address the impact of the program on reducing unmet~~

BILL

ORIGINAL

YEAR

4513 ~~pharmaceutical drug needs among the elderly and recommend~~  
4514 ~~programmatic changes.~~

4515       (5) NONENTITLEMENT.--The pharmaceutical expense assistance  
4516 program established by this section is not an entitlement.  
4517 Enrollment levels are limited to those authorized by the  
4518 Legislature in the annual General Appropriations Act. If, after  
4519 establishing monetary limits as required by subsection ~~paragraph~~  
4520 (4) ~~(a)~~, funds are insufficient to serve all eligible individuals  
4521 seeking coverage, the agency may develop a waiting list based on  
4522 application dates to use in enrolling individuals in unfilled  
4523 enrollment slots.

4524       Section 169. Section 409.91188, Florida Statutes, is  
4525 amended to read:

4526       409.91188 Specialty prepaid health plans for Medicaid  
4527 recipients with HIV or AIDS.--The agency ~~for Health Care~~  
4528 ~~Administration~~ is authorized to contract with specialty prepaid  
4529 health plans and pay them on a prepaid capitated basis to provide  
4530 Medicaid benefits to Medicaid-eligible recipients who have human  
4531 immunodeficiency syndrome (HIV) or acquired immunodeficiency  
4532 syndrome (AIDS). The agency shall apply for and is authorized to  
4533 implement federal waivers or other necessary federal  
4534 authorization to implement the prepaid health plans authorized by  
4535 this section. The agency shall procure the specialty prepaid  
4536 health plans through a competitive procurement. In awarding a  
4537 contract to a managed care plan, the agency shall take into  
4538 account price, quality, accessibility, linkages to community-  
4539 based organizations, and the comprehensiveness of the benefit  
4540 package offered by the plan. The agency may bid the HIV/AIDS  
4541 specialty plans on a county, regional, or statewide basis.

BILL

ORIGINAL

YEAR

4542    Qualified plans must be licensed under chapter 641. ~~The agency~~  
 4543    ~~shall monitor and evaluate the implementation of this waiver~~  
 4544    ~~program if it is approved by the Federal Government and shall~~  
 4545    ~~report on its status to the President of the Senate and the~~  
 4546    ~~Speaker of the House of Representatives by February 1, 2001.~~ To  
 4547    improve coordination of medical care delivery and to increase  
 4548    cost efficiency for the Medicaid program in treating HIV disease,  
 4549    the agency ~~for Health Care Administration~~ shall seek all  
 4550    necessary federal waivers to allow participation in the Medipass  
 4551    HIV disease management program for Medicare beneficiaries who  
 4552    test positive for HIV infection and who also qualify for Medicaid  
 4553    benefits such as prescription medications not covered by  
 4554    Medicare.

4555            Section 170. Paragraphs (b) and (c) of subsection (4),  
 4556    subsection (5), paragraph (c) of subsection (21), subsections  
 4557    (29), (41), and (44), and paragraph (c) of subsection (49) of  
 4558    section 409.912, Florida Statutes, are amended to read:

4559            409.912 Cost-effective purchasing of health care.--The  
 4560    agency shall purchase goods and services for Medicaid recipients  
 4561    in the most cost-effective manner consistent with the delivery of  
 4562    quality medical care. To ensure that medical services are  
 4563    effectively utilized, the agency may, in any case, require a  
 4564    confirmation or second physician's opinion of the correct  
 4565    diagnosis for purposes of authorizing future services under the  
 4566    Medicaid program. This section does not restrict access to  
 4567    emergency services or poststabilization care services as defined  
 4568    in 42 C.F.R. part 438.114. Such confirmation or second opinion  
 4569    shall be rendered in a manner approved by the agency. The agency  
 4570    shall maximize the use of prepaid per capita and prepaid

BILL

ORIGINAL

YEAR

4571 aggregate fixed-sum basis services when appropriate and other  
 4572 alternative service delivery and reimbursement methodologies,  
 4573 including competitive bidding pursuant to s. 287.057, designed to  
 4574 facilitate the cost-effective purchase of a case-managed  
 4575 continuum of care. The agency shall also require providers to  
 4576 minimize the exposure of recipients to the need for acute  
 4577 inpatient, custodial, and other institutional care and the  
 4578 inappropriate or unnecessary use of high-cost services. The  
 4579 agency may mandate prior authorization, drug therapy management,  
 4580 or disease management participation for certain populations of  
 4581 Medicaid beneficiaries, certain drug classes, or particular drugs  
 4582 to prevent fraud, abuse, overuse, and possible dangerous drug  
 4583 interactions. The Pharmaceutical and Therapeutics Committee shall  
 4584 make recommendations to the agency on drugs for which prior  
 4585 authorization is required. The agency shall inform the  
 4586 Pharmaceutical and Therapeutics Committee of its decisions  
 4587 regarding drugs subject to prior authorization. The agency is  
 4588 authorized to limit the entities it contracts with or enrolls as  
 4589 Medicaid providers by developing a provider network through  
 4590 provider credentialing. The agency may limit its network based on  
 4591 the assessment of beneficiary access to care, provider  
 4592 availability, provider quality standards, time and distance  
 4593 standards for access to care, the cultural competence of the  
 4594 provider network, demographic characteristics of Medicaid  
 4595 beneficiaries, practice and provider-to-beneficiary standards,  
 4596 appointment wait times, beneficiary use of services, provider  
 4597 turnover, provider profiling, provider licensure history,  
 4598 previous program integrity investigations and findings, peer  
 4599 review, provider Medicaid policy and billing compliance records,



BILL

ORIGINAL

YEAR

4600 clinical and medical record audits, and other factors. Providers  
 4601 shall not be entitled to enrollment in the Medicaid provider  
 4602 network. The agency is authorized to seek federal waivers  
 4603 necessary to implement this policy.

4604       (4) The agency may contract with:

4605       (b) An entity that is providing comprehensive behavioral  
 4606 health care services to certain Medicaid recipients through a  
 4607 capitated, prepaid arrangement pursuant to the federal waiver  
 4608 provided for by s. 409.905(5). Such an entity must be licensed  
 4609 under chapter 624, chapter 636, or chapter 641 and must possess  
 4610 the clinical systems and operational competence to manage risk  
 4611 and provide comprehensive behavioral health care to Medicaid  
 4612 recipients. As used in this paragraph, the term "comprehensive  
 4613 behavioral health care services" means covered mental health and  
 4614 substance abuse treatment services that are available to Medicaid  
 4615 recipients. The secretary of the Department of Children and  
 4616 Family Services shall approve provisions of procurements related  
 4617 to children in the department's care or custody prior to  
 4618 enrolling such children in a prepaid behavioral health plan. Any  
 4619 contract awarded under this paragraph must be competitively  
 4620 procured. In developing the behavioral health care prepaid plan  
 4621 procurement document, the ~~agency shall ensure that the~~  
 4622 ~~procurement~~ document must require ~~requires~~ the contractor to  
 4623 develop and implement a plan to ensure compliance with s.  
 4624 394.4574 related to services provided to residents of licensed  
 4625 assisted living facilities that hold a limited mental health  
 4626 license. Except as provided in subparagraph 6. 8-, the agency  
 4627 shall seek federal approval to contract with a single entity  
 4628 meeting these requirements to provide comprehensive behavioral

BILL

ORIGINAL

YEAR

4629 health care services to all Medicaid recipients not enrolled in a  
 4630 managed care plan in an AHCA area. Each entity must offer  
 4631 sufficient choice of providers in its network to ensure recipient  
 4632 access to care and the opportunity to select a provider with whom  
 4633 they are satisfied. The network shall include all public mental  
 4634 health hospitals. To ensure unimpaired access to behavioral  
 4635 health care services by Medicaid recipients, all contracts issued  
 4636 pursuant to this paragraph shall require 80 percent of the  
 4637 capitation paid to the managed care plan, including health  
 4638 maintenance organizations, to be expended for the provision of  
 4639 behavioral health care services. In the event the managed care  
 4640 plan expends less than 80 percent of the capitation paid pursuant  
 4641 to this paragraph for the provision of behavioral health care  
 4642 services, the difference shall be returned to the agency. The  
 4643 agency shall provide the managed care plan with a certification  
 4644 letter indicating the amount of capitation paid during each  
 4645 calendar year for the provision of behavioral health care  
 4646 services pursuant to this section. The agency may reimburse for  
 4647 substance abuse treatment services on a fee-for-service basis  
 4648 until the agency finds that adequate funds are available for  
 4649 capitated, prepaid arrangements.

4650 ~~1. By January 1, 2001, the agency shall modify the~~  
 4651 ~~contracts with the entities providing comprehensive inpatient and~~  
 4652 ~~outpatient mental health care services to Medicaid recipients in~~  
 4653 ~~Hillsborough, Highlands, Hardee, Manatee, and Polk Counties, to~~  
 4654 ~~include substance abuse treatment services.~~

4655 ~~2. By July 1, 2003, the agency and the Department of~~  
 4656 ~~Children and Family Services shall execute a written agreement~~  
 4657 ~~that requires collaboration and joint development of all policy,~~

BILL

ORIGINAL

YEAR

4658 ~~budgets, procurement documents, contracts, and monitoring plans~~  
4659 ~~that have an impact on the state and Medicaid community mental~~  
4660 ~~health and targeted case management programs.~~  
4661       1.3. Except as provided in subparagraph 6. 8., by July 1,  
4662 2006, the agency and the Department of Children and Family  
4663 Services shall contract with managed care entities in each AHCA  
4664 area except area 6 or arrange to provide comprehensive inpatient  
4665 and outpatient mental health and substance abuse services through  
4666 capitated prepaid arrangements to all Medicaid recipients who are  
4667 eligible to participate in such plans under federal law and  
4668 regulation. In AHCA areas where eligible individuals number less  
4669 than 150,000, the agency shall contract with a single managed  
4670 care plan to provide comprehensive behavioral health services to  
4671 all recipients who are not enrolled in a Medicaid health  
4672 maintenance organization. The agency may contract with more than  
4673 one comprehensive behavioral health provider to provide care to  
4674 recipients who are not enrolled in a Medicaid health maintenance  
4675 organization in AHCA areas where the eligible population exceeds  
4676 150,000. Contracts for comprehensive behavioral health providers  
4677 awarded pursuant to this section shall be competitively procured.  
4678 Both for-profit and not-for-profit corporations shall be eligible  
4679 to compete. Managed care plans contracting with the agency under  
4680 subsection (3) shall provide and receive payment for the same  
4681 comprehensive behavioral health benefits as provided in AHCA  
4682 rules, including handbooks incorporated by reference.  
4683       ~~4. By October 1, 2003, the agency and the department shall~~  
4684 ~~submit a plan to the Governor, the President of the Senate, and~~  
4685 ~~the Speaker of the House of Representatives which provides for~~

BILL

ORIGINAL

YEAR

4686   ~~the full implementation of capitated prepaid behavioral health~~  
 4687   ~~care in all areas of the state.~~

4688       ~~a. Implementation shall begin in 2003 in those AHCA areas~~  
 4689   ~~of the state where the agency is able to establish sufficient~~  
 4690   ~~capitation rates.~~

4691       2.b. If the agency determines that the proposed capitation  
 4692   rate in any area is insufficient to provide appropriate services,  
 4693   the agency may adjust the capitation rate to ensure that care  
 4694   will be available. The agency and the department may use existing  
 4695   general revenue to address any additional required match but may  
 4696   not over-obligate existing funds on an annualized basis.

4697       ~~e.~~ Subject to any limitations provided for in the General  
 4698   Appropriations Act, the agency, in compliance with appropriate  
 4699   federal authorization, shall develop policies and procedures that  
 4700   allow for certification of local and state funds.

4701       3.5. Children residing in a statewide inpatient psychiatric  
 4702   program, or in a Department of Juvenile Justice or a Department  
 4703   of Children and Family Services residential program approved as a  
 4704   Medicaid behavioral health overlay services provider shall not be  
 4705   included in a behavioral health care prepaid health plan or any  
 4706   other Medicaid managed care plan pursuant to this paragraph.

4707       4.6. In converting to a prepaid system of delivery, the  
 4708   agency shall in its procurement document require an entity  
 4709   providing only comprehensive behavioral health care services to  
 4710   prevent the displacement of indigent care patients by enrollees  
 4711   in the Medicaid prepaid health plan providing behavioral health  
 4712   care services from facilities receiving state funding to provide  
 4713   indigent behavioral health care, to facilities licensed under  
 4714   chapter 395 which do not receive state funding for indigent

BILL

ORIGINAL

YEAR

behavioral health care, or reimburse the unsubsidized facility for the cost of behavioral health care provided to the displaced indigent care patient.

~~5.7.~~ Traditional community mental health providers under contract with the Department of Children and Family Services pursuant to part IV of chapter 394, child welfare providers under contract with the Department of Children and Family Services in areas 1 and 6, and inpatient mental health providers licensed pursuant to chapter 395 must be offered an opportunity to accept or decline a contract to participate in any provider network for prepaid behavioral health services.

~~6.8.~~ For fiscal year 2004-2005, all Medicaid eligible children, except children in areas 1 and 6, whose cases are open for child welfare services in the HomeSafeNet system, shall be enrolled in MediPass or in Medicaid fee-for-service and all their behavioral health care services including inpatient, outpatient psychiatric, community mental health, and case management shall be reimbursed on a fee-for-service basis. Beginning July 1, 2005, such children, who are open for child welfare services in the HomeSafeNet system, shall receive their behavioral health care services through a specialty prepaid plan operated by community-based lead agencies either through a single agency or formal agreements among several agencies. The specialty prepaid plan must result in savings to the state comparable to savings achieved in other Medicaid managed care and prepaid programs. Such plan must provide mechanisms to maximize state and local revenues. The specialty prepaid plan shall be developed by the agency and the Department of Children and Family Services. The

BILL

ORIGINAL

YEAR

4743 agency is authorized to seek any federal waivers to implement  
4744 this initiative.

4745       (c) A federally qualified health center or an entity owned  
4746 by one or more federally qualified health centers or an entity  
4747 owned by other migrant and community health centers receiving  
4748 non-Medicaid financial support from the Federal Government to  
4749 provide health care services on a prepaid or fixed-sum basis to  
4750 recipients. Such prepaid health care services entity must be  
4751 licensed under parts I and III of chapter 641, but shall be  
4752 prohibited from serving Medicaid recipients on a prepaid basis,  
4753 until such licensure has been obtained. However, such an entity  
4754 is exempt from s. 641.225 if the entity meets the requirements  
4755 specified in subsections (16)~~(17)~~ and (17)~~(18)~~.

4756       ~~(5) By October 1, 2003, the agency and the department~~  
4757 ~~shall, to the extent feasible, develop a plan for implementing~~  
4758 ~~new Medicaid procedure codes for emergency and crisis care,~~  
4759 ~~supportive residential services, and other services designed to~~  
4760 ~~maximize the use of Medicaid funds for Medicaid eligible~~  
4761 ~~recipients. The agency shall include in the agreement developed~~  
4762 ~~pursuant to subsection (4) a provision that ensures that the~~  
4763 ~~match requirements for these new procedure codes are met by~~  
4764 ~~certifying eligible general revenue or local funds that are~~  
4765 ~~currently expended on these services by the department with~~  
4766 ~~contracted alcohol, drug abuse, and mental health providers. The~~  
4767 ~~plan must describe specific procedure codes to be implemented, a~~  
4768 ~~projection of the number of procedures to be delivered during~~  
4769 ~~fiscal year 2003-2004, and a financial analysis that describes~~  
4770 ~~the certified match procedures, and accountability mechanisms,~~  
4771 ~~projects the earnings associated with these procedures, and~~

BILL

ORIGINAL

YEAR

4772 ~~describes the sources of state match. This plan may not be~~  
 4773 ~~implemented in any part until approved by the Legislative Budget~~  
 4774 ~~Commission. If such approval has not occurred by December 31,~~  
 4775 ~~2003, the plan shall be submitted for consideration by the 2004~~  
 4776 ~~Legislature.~~

4777     (20)~~(21)~~ Any entity contracting with the agency pursuant to  
 4778 this section to provide health care services to Medicaid  
 4779 recipients is prohibited from engaging in any of the following  
 4780 practices or activities:

4781           (c) Granting or offering of any monetary or other valuable  
 4782 consideration for enrollment, except as authorized by subsection  
 4783 (23)~~(24)~~.

4784     (28)~~(29)~~ The agency shall perform enrollments and  
 4785 disenrollments for Medicaid recipients who are eligible for  
 4786 MediPass or managed care plans. Notwithstanding the prohibition  
 4787 contained in paragraph (20)~~(21)~~(f), managed care plans may  
 4788 perform preenrollments of Medicaid recipients under the  
 4789 supervision of the agency or its agents. For the purposes of this  
 4790 section, "preenrollment" means the provision of marketing and  
 4791 educational materials to a Medicaid recipient and assistance in  
 4792 completing the application forms, but shall not include actual  
 4793 enrollment into a managed care plan. An application for  
 4794 enrollment shall not be deemed complete until the agency or its  
 4795 agent verifies that the recipient made an informed, voluntary  
 4796 choice. The agency, in cooperation with the Department of  
 4797 Children and Family Services, may test new marketing initiatives  
 4798 to inform Medicaid recipients about their managed care options at  
 4799 selected sites. ~~The agency shall report to the Legislature on the~~  
 4800 ~~effectiveness of such initiatives.~~ The agency may contract with a

BILL

ORIGINAL

YEAR

4801 third party to perform managed care plan and MediPass enrollment  
4802 and disenrollment services for Medicaid recipients and is  
4803 authorized to adopt rules to implement such services. The agency  
4804 may adjust the capitation rate only to cover the costs of a  
4805 third-party enrollment and disenrollment contract, and for agency  
4806 supervision and management of the managed care plan enrollment  
4807 and disenrollment contract.

4808       (40)~~(41)~~ The agency shall provide for the development of a  
4809 demonstration project by establishment in Miami-Dade County of a  
4810 long-term-care facility licensed pursuant to chapter 395 to  
4811 improve access to health care for a predominantly minority,  
4812 medically underserved, and medically complex population and to  
4813 evaluate alternatives to nursing home care and general acute care  
4814 for such population. Such project is to be located in a health  
4815 care condominium and colocated with licensed facilities providing  
4816 a continuum of care. The establishment of this project is not  
4817 subject to the provisions of s. 408.036 or s. 408.039. ~~The agency~~  
4818 ~~shall report its findings to the Governor, the President of the~~  
4819 ~~Senate, and the Speaker of the House of Representatives by~~  
4820 ~~January 1, 2003.~~

4821       (43)~~(44)~~ The Agency for Health Care Administration shall  
4822 ensure that any Medicaid managed care plan as defined in s.  
4823 409.9122(2)(h), whether paid on a capitated basis or a shared  
4824 savings basis, is cost-effective. For purposes of this  
4825 subsection, the term "cost-effective" means that a network's per-  
4826 member, per-month costs to the state, including, but not limited  
4827 to, fee-for-service costs, administrative costs, and case-  
4828 management fees, must be no greater than the state's costs  
4829 associated with contracts for Medicaid services established under



BILL

ORIGINAL

YEAR

4830 subsection (3), which shall be actuarially adjusted for case mix,  
4831 model, and service area. The agency shall conduct actuarially  
4832 sound audits adjusted for case mix and model in order to ensure  
4833 such cost-effectiveness and shall publish the audit results on  
4834 its Internet website ~~and submit the audit results annually to the~~  
4835 ~~Governor, the President of the Senate, and the Speaker of the~~  
4836 ~~House of Representatives no later than December 31 of each year.~~  
4837 Contracts established pursuant to this subsection which are not  
4838 cost-effective may not be renewed.

4839       (48)~~(49)~~ The agency shall contract with established  
4840 minority physician networks that provide services to historically  
4841 underserved minority patients. The networks must provide cost-  
4842 effective Medicaid services, comply with the requirements to be a  
4843 MediPass provider, and provide their primary care physicians with  
4844 access to data and other management tools necessary to assist  
4845 them in ensuring the appropriate use of services, including  
4846 inpatient hospital services and pharmaceuticals.

4847       (c) For purposes of this subsection, the term "cost-  
4848 effective" means that a network's per-member, per-month costs to  
4849 the state, including, but not limited to, fee-for-service costs,  
4850 administrative costs, and case-management fees, must be no  
4851 greater than the state's costs associated with contracts for  
4852 Medicaid services established under subsection (3), which shall  
4853 be actuarially adjusted for case mix, model, and service area.  
4854 The agency shall conduct actuarially sound audits adjusted for  
4855 case mix and model in order to ensure such cost-effectiveness and  
4856 shall publish the audit results on its Internet website ~~and~~  
4857 ~~submit the audit results annually to the Governor, the President~~  
4858 ~~of the Senate, and the Speaker of the House of Representatives no~~

BILL

ORIGINAL

YEAR

4859 ~~later than December 31.~~ Contracts established pursuant to this  
 4860 subsection which are not cost-effective may not be renewed.  
 4861       Section 171. Paragraph (a) of subsection (4) of section  
 4862 394.9082, Florida Statutes, is amended to read:  
 4863       394.9082 Behavioral health service delivery strategies.--  
 4864       (4) CONTRACT FOR SERVICES.--  
 4865       (a) The Department of Children and Family Services and the  
 4866 Agency for Health Care Administration may contract for the  
 4867 provision or management of behavioral health services with a  
 4868 managing entity in at least two geographic areas. Both the  
 4869 Department of Children and Family Services and the Agency for  
 4870 Health Care Administration must contract with the same managing  
 4871 entity in any distinct geographic area where the strategy  
 4872 operates. This managing entity shall be accountable at a minimum  
 4873 for the delivery of behavioral health services specified and  
 4874 funded by the department and the agency. The geographic area must  
 4875 be of sufficient size in population and have enough public funds  
 4876 for behavioral health services to allow for flexibility and  
 4877 maximum efficiency. ~~Notwithstanding the provisions of s.~~  
 4878 ~~409.912(4)(b)1.,~~ At least one service delivery strategy must be  
 4879 in one of the service districts in the catchment area of G.  
 4880 Pierce Wood Memorial Hospital.  
 4881       Section 172. Paragraph (a) of subsection (4) of section  
 4882 409.9065, Florida Statutes, is amended to read:  
 4883       409.9065 Pharmaceutical expense assistance.--  
 4884       (4) ADMINISTRATION.--The pharmaceutical expense assistance  
 4885 program shall be administered by the agency, in collaboration  
 4886 with the Department of Elderly Affairs and the Department of  
 4887 Children and Family Services.

BILL

ORIGINAL

YEAR

4888           (a) The agency shall, by rule, establish for the  
4889 pharmaceutical expense assistance program eligibility  
4890 requirements; limits on participation; benefit limitations,  
4891 including copayments; a requirement for generic drug  
4892 substitution; and other program parameters comparable to those of  
4893 the Medicaid program. Individuals eligible to participate in this  
4894 program are not subject to the limit of four brand name drugs per  
4895 month per recipient as specified in s. 409.912 (39) ~~(40)~~ (a). There  
4896 shall be no monetary limit on prescription drugs purchased with  
4897 discounts of less than 51 percent unless the agency determines  
4898 there is a risk of a funding shortfall in the program. If the  
4899 agency determines there is a risk of a funding shortfall, the  
4900 agency may establish monetary limits on prescription drugs which  
4901 shall not be less than \$160 worth of prescription drugs per  
4902 month.

4903           Section 173. Subsections (1) and (2) of section 409.91196,  
4904 Florida Statutes, are amended to read:

4905           409.91196 Supplemental rebate agreements; confidentiality  
4906 of records and meetings.--

4907           (1) Trade secrets, rebate amount, percent of rebate,  
4908 manufacturer's pricing, and supplemental rebates which are  
4909 contained in records of the Agency for Health Care Administration  
4910 and its agents with respect to supplemental rebate negotiations  
4911 and which are prepared pursuant to a supplemental rebate  
4912 agreement under s. 409.912 (39) ~~(40)~~ (a) 7. are confidential and  
4913 exempt from s. 119.07 and s. 24(a), Art. I of the State  
4914 Constitution.

4915           (2) Those portions of meetings of the Medicaid  
4916 Pharmaceutical and Therapeutics Committee at which trade secrets,

BILL

ORIGINAL

YEAR

4917 rebate amount, percent of rebate, manufacturer's pricing, and  
4918 supplemental rebates are disclosed for discussion or negotiation  
4919 of a supplemental rebate agreement under s. 409.912 (39) ~~(40)~~ (a) 7.  
4920 are exempt from s. 286.011 and s. 24(b), Art. I of the State  
4921 Constitution.

4922       Section 174. Subsection (4) of section 641.386, Florida  
4923 Statutes, is amended to read:

4924       641.386 Agent licensing and appointment required;  
4925 exceptions.--

4926       (4) All agents and health maintenance organizations shall  
4927 comply with and be subject to the applicable provisions of ss.  
4928 641.309 and 409.912 (20) ~~(21)~~, and all companies and entities  
4929 appointing agents shall comply with s. 626.451, when marketing  
4930 for any health maintenance organization licensed pursuant to this  
4931 part, including those organizations under contract with the  
4932 Agency for Health Care Administration to provide health care  
4933 services to Medicaid recipients or any private entity providing  
4934 health care services to Medicaid recipients pursuant to a prepaid  
4935 health plan contract with the Agency for Health Care  
4936 Administration.

4937       Section 175. Section 410.0245, Florida Statutes, is  
4938 repealed.

4939       Section 176. Subsection (10) of section 410.604, Florida  
4940 Statutes, is amended to read:

4941       410.604 Community care for disabled adults program; powers  
4942 and duties of the department.--

4943       ~~(10) Beginning October 1, 1989, the department shall~~  
4944 ~~biennially evaluate the progress of the community care for~~

BILL

ORIGINAL

YEAR

4945 ~~disabled adults program and submit such evaluation to the Speaker~~  
 4946 ~~of the House of Representatives and the President of the Senate.~~

4947       Section 177. Section 411.221, Florida Statutes, is  
 4948 repealed.

4949       Section 178. Paragraph (d) of subsection (5) of section  
 4950 411.01, Florida Statutes, as amended by chapter 2004-484, Laws of  
 4951 Florida, is amended to read:

4952       411.01 School readiness programs; early learning  
 4953 coalitions.--

4954       (5) CREATION OF EARLY LEARNING COALITIONS.--

4955       (d) Implementation.--

4956       1. An early learning coalition may not implement the school  
 4957 readiness program until the coalition is authorized through  
 4958 approval of the coalition's school readiness plan by the Agency  
 4959 for Workforce Innovation.

4960       2. Each early learning coalition shall develop a plan for  
 4961 implementing the school readiness program to meet the  
 4962 requirements of this section and the performance standards and  
 4963 outcome measures adopted by the Agency for Workforce Innovation.  
 4964 The plan must demonstrate how the program will ensure that each  
 4965 3-year-old and 4-year-old child in a publicly funded school  
 4966 readiness program receives scheduled activities and instruction  
 4967 designed to enhance the age-appropriate progress of the children  
 4968 in attaining the performance standards adopted by the Agency for  
 4969 Workforce Innovation under subparagraph (4)(d)8. Before  
 4970 implementing the school readiness program, the early learning  
 4971 coalition must submit the plan to the Agency for Workforce  
 4972 Innovation for approval. The Agency for Workforce Innovation may  
 4973 approve the plan, reject the plan, or approve the plan with

BILL

ORIGINAL

YEAR

4974 conditions. The Agency for Workforce Innovation shall review  
4975 school readiness plans at least annually.

4976         3. If the Agency for Workforce Innovation determines during  
4977 the annual review of school readiness plans, or through  
4978 monitoring and performance evaluations conducted under paragraph  
4979 (4)(1), that an early learning coalition has not substantially  
4980 implemented its plan, has not substantially met the performance  
4981 standards and outcome measures adopted by the agency, or has not  
4982 effectively administered the school readiness program or  
4983 Voluntary Prekindergarten Education Program, the Agency for  
4984 Workforce Innovation may dissolve the coalition and temporarily  
4985 contract with a qualified entity to continue school readiness and  
4986 prekindergarten services in the coalition's county or multicounty  
4987 region until the coalition is reestablished through resubmission  
4988 of a school readiness plan and approval by the agency.

4989         4. The Agency for Workforce Innovation shall adopt criteria  
4990 for the approval of school readiness plans. The criteria must be  
4991 consistent with the performance standards and outcome measures  
4992 adopted by the agency and must require each approved plan to  
4993 include the following minimum standards and provisions:

4994             a. A sliding fee scale establishing a copayment for parents  
4995 based upon their ability to pay, which is the same for all  
4996 program providers, to be implemented and reflected in each  
4997 program's budget.

4998             b. A choice of settings and locations in licensed,  
4999 registered, religious-exempt, or school-based programs to be  
5000 provided to parents.

5001             c. Instructional staff who have completed the training  
5002 course as required in s. 402.305(2)(d)1., as well as staff who

BILL

ORIGINAL

YEAR

5003 have additional training or credentials as required by the Agency  
5004 for Workforce Innovation. The plan must provide a method for  
5005 assuring the qualifications of all personnel in all program  
5006 settings.

5007       d. Specific eligibility priorities for children within the  
5008 early learning coalition's county or multicounty region in  
5009 accordance with subsection (6).

5010       e. Performance standards and outcome measures adopted by  
5011 the Agency for Workforce Innovation.

5012       f. Payment rates adopted by the early learning coalition  
5013 and approved by the Agency for Workforce Innovation. Payment  
5014 rates may not have the effect of limiting parental choice or  
5015 creating standards or levels of services that have not been  
5016 authorized by the Legislature.

5017       g. Systems support services, including a central agency,  
5018 child care resource and referral, eligibility determinations,  
5019 training of providers, and parent support and involvement.

5020       h. Direct enhancement services to families and children.  
5021 System support and direct enhancement services shall be in  
5022 addition to payments for the placement of children in school  
5023 readiness programs.

5024       i. The business organization of the early learning  
5025 coalition, which must include the coalition's articles of  
5026 incorporation and bylaws if the coalition is organized as a  
5027 corporation. If the coalition is not organized as a corporation  
5028 or other business entity, the plan must include the contract with  
5029 a fiscal agent. An early learning coalition may contract with  
5030 other coalitions to achieve efficiency in multicounty services,

BILL

ORIGINAL

YEAR

5031 and these contracts may be part of the coalition's school  
 5032 readiness plan.

5033       j. Strategies to meet the needs of unique populations, such  
 5034 as migrant workers.

5035

5036 As part of the school readiness plan, the early learning  
 5037 coalition may request the Governor to apply for a waiver to allow  
 5038 the coalition to administer the Head Start Program to accomplish  
 5039 the purposes of the school readiness program. If a school  
 5040 readiness plan demonstrates that specific statutory goals can be  
 5041 achieved more effectively by using procedures that require  
 5042 modification of existing rules, policies, or procedures, a  
 5043 request for a waiver to the Agency for Workforce Innovation may  
 5044 be submitted as part of the plan. Upon review, the Agency for  
 5045 Workforce Innovation may grant the proposed modification.

5046       5. Persons with an early childhood teaching certificate may  
 5047 provide support and supervision to other staff in the school  
 5048 readiness program.

5049       6. An early learning coalition may not implement its school  
 5050 readiness plan until it submits the plan to and receives approval  
 5051 from the Agency for Workforce Innovation. Once the plan is  
 5052 approved, the plan and the services provided under the plan shall  
 5053 be controlled by the early learning coalition. The plan shall be  
 5054 reviewed and revised as necessary, but at least biennially. An  
 5055 early learning coalition may not implement the revisions until  
 5056 the coalition submits the revised plan to and receives approval  
 5057 from the Agency for Workforce Innovation. If the Agency for  
 5058 Workforce Innovation rejects a revised plan, the coalition must  
 5059 continue to operate under its prior approved plan.



BILL

ORIGINAL

YEAR

5060           7.   Sections 125.901(2)(a)3., ~~411.221~~, and 411.232 do not  
5061   apply to an early learning coalition with an approved school  
5062   readiness plan. To facilitate innovative practices and to allow  
5063   the regional establishment of school readiness programs, an early  
5064   learning coalition may apply to the Governor and Cabinet for a  
5065   waiver of, and the Governor and Cabinet may waive, any of the  
5066   provisions of ss. 411.223, 411.232, and 1003.54, if the waiver is  
5067   necessary for implementation of the coalition's school readiness  
5068   plan.

5069           8.   Two or more counties may join for purposes of planning  
5070   and implementing a school readiness program.

5071           9.   An early learning coalition may, subject to approval by  
5072   the Agency for Workforce Innovation as part of the coalition's  
5073   school readiness plan, receive subsidized child care funds for  
5074   all children eligible for any federal subsidized child care  
5075   program.

5076           10.  An early learning coalition may enter into multiparty  
5077   contracts with multicounty service providers in order to meet the  
5078   needs of unique populations such as migrant workers.

5079           Section 179. Paragraph (a) of subsection (3) of section  
5080   411.232, Florida Statutes, is amended to read:

5081           411.232 Children's Early Investment Program.--

5082           (3)   ESSENTIAL ELEMENTS.--

5083           (a)   Initially, the program shall be directed to geographic  
5084   areas where at-risk young children and their families are in  
5085   greatest need because of an unfavorable combination of economic,  
5086   social, environmental, and health factors, including, without  
5087   limitation, extensive poverty, high crime rate, great incidence  
5088   of low birthweight babies, high incidence of alcohol and drug

BILL

ORIGINAL

YEAR

5089 | abuse, and high rates of teenage pregnancy. The selection of a  
 5090 | geographic site shall also consider the incidence of young  
 5091 | children within these at-risk geographic areas who are cocaine  
 5092 | babies, children of single mothers who receive temporary cash  
 5093 | assistance, children of teenage parents, low birthweight babies,  
 5094 | and very young foster children. To receive funding under this  
 5095 | section, an agency, board, council, or provider must demonstrate:  
 5096 |       1. Its capacity to administer and coordinate the programs  
 5097 | and services in a comprehensive manner and provide a flexible  
 5098 | range of services.+  
 5099 |       2. Its capacity to identify and serve those children least  
 5100 | able to access existing programs and case management services.+  
 5101 |       3. Its capacity to administer and coordinate the programs  
 5102 | and services in an intensive and continuous manner.+  
 5103 |       4. The proximity of its facilities to young children,  
 5104 | parents, and other family members to be served by the program, or  
 5105 | its ability to provide offsite services.+  
 5106 |       5. Its ability to use existing federal, state, and local  
 5107 | governmental programs and services in implementing the investment  
 5108 | program.+  
 5109 |       6. Its ability to coordinate activities and services with  
 5110 | existing public and private, state and local agencies and  
 5111 | programs such as those responsible for health, education, social  
 5112 | support, mental health, child care, respite care, housing,  
 5113 | transportation, alcohol and drug abuse treatment and prevention,  
 5114 | income assistance, employment training and placement, nutrition,  
 5115 | and other relevant services, all the foregoing intended to assist  
 5116 | children and families at risk.+

BILL

ORIGINAL

YEAR

5117           7. How its plan will involve project participants and  
5118 community representatives in the planning and operation of the  
5119 investment program.~~†~~  
5120           8. Its ability to participate in the evaluation component  
5121 required in this section.~~†~~ and  
5122           ~~9. Its consistency with the strategic plan pursuant to s.~~  
5123 ~~411.221.~~  
5124           Section 180. Section 411.242, Florida Statutes, is  
5125 repealed.  
5126           Section 181. Subsection (8) of section 413.402, Florida  
5127 Statutes, is amended to read:  
5128           413.402 Personal care attendant pilot program.--The Florida  
5129 Association of Centers for Independent Living shall develop a  
5130 pilot program to provide personal care attendants to persons who  
5131 are eligible pursuant to subsection (1). The association shall  
5132 develop memoranda of understanding with the Department of  
5133 Revenue, the Brain and Spinal Cord Injury Program in the  
5134 Department of Health, the Florida Medicaid program in the Agency  
5135 for Health Care Administration, the Florida Endowment Foundation  
5136 for Vocational Rehabilitation, and the Division of Vocational  
5137 Rehabilitation of the Department of Education.  
5138           ~~(8) No later than March 1, 2003, the association shall~~  
5139 ~~present to the President of the Senate and to the Speaker of the~~  
5140 ~~House of Representatives the implementation plan for the pilot~~  
5141 ~~program, a timeline for implementation, estimates of the number~~  
5142 ~~of participants to be served, and cost projections for each~~  
5143 ~~component of the pilot program. The pilot program shall be~~  
5144 ~~implemented beginning July 1, 2003, unless there is specific~~  
5145 ~~legislative action to the contrary.~~

BILL

ORIGINAL

YEAR

Section 182. Subsection (3) of section 414.1251, Florida Statutes, is amended to read:

414.1251 Learnfare program.--

~~(3) The department shall develop an electronic data transfer system to enable the department to collect, report, and share data accurately and efficiently. In order to ensure accountability and assess the effectiveness of the Learnfare program, the department shall compile information including, but not limited to, the number of students and families reported by school districts as out of compliance, the number of students and families sanctioned as a result, and the number of students and families reinstated after becoming compliant. The information compiled shall be submitted in the form of an annual report to the presiding officers of the Legislature by March 1.~~

Section 183. Section 414.14, Florida Statutes, is amended to read:

414.14 Public assistance policy simplification.--To the extent possible, the department shall align the requirements for eligibility under this chapter with the food stamp program and medical assistance eligibility policies and procedures to simplify the budgeting process and reduce errors. If the department determines that s. 414.075, relating to resources, or s. 414.085, relating to income, is inconsistent with related provisions of federal law which govern the food stamp program or medical assistance, and that conformance to federal law would simplify administration of the WAGES Program or reduce errors without materially increasing the cost of the program to the state, the secretary of the department may propose a change in the resource or income requirements of the program by rule. ~~The~~

BILL

ORIGINAL

YEAR

5175 ~~secretary shall provide written notice to the President of the~~  
 5176 ~~Senate, the Speaker of the House of Representatives, and the~~  
 5177 ~~chairpersons of the relevant committees of both houses of the~~  
 5178 ~~Legislature summarizing the proposed modifications to be made by~~  
 5179 ~~rule and changes necessary to conform state law to federal law.~~  
 5180 ~~The proposed rule shall take effect 14 days after written notice~~  
 5181 ~~is given unless the President of the Senate or the Speaker of the~~  
 5182 ~~House of Representatives advises the secretary that the proposed~~  
 5183 ~~rule exceeds the delegated authority of the Legislature.~~

5184       Section 184. Subsection (1) of section 414.36, Florida  
 5185 Statutes, is amended to read:

5186       414.36 Public assistance overpayment recovery program;  
 5187 contracts.--

5188       ~~(1) The department shall develop and implement a plan for~~  
 5189 ~~the statewide privatization of activities relating to the~~  
 5190 ~~recovery of public assistance overpayment claims. These~~  
 5191 ~~activities shall include, at a minimum, voluntary cash~~  
 5192 ~~collections functions for recovery of fraudulent and~~  
 5193 ~~nonfraudulent benefits paid to recipients of temporary cash~~  
 5194 ~~assistance, food stamps, and aid to families with dependent~~  
 5195 ~~children.~~

5196       Section 185. Subsection (3) of section 414.391, Florida  
 5197 Statutes, is amended to read:

5198       414.391 Automated fingerprint imaging.--

5199       ~~(3) The department shall prepare, by April 1998, a plan for~~  
 5200 ~~implementation of this program. Implementation shall begin with a~~  
 5201 ~~pilot of the program in one or more areas of the state by~~  
 5202 ~~November 1, 1998. Pilot evaluation results shall be used to~~  
 5203 ~~determine the method of statewide expansion. The priority for use~~

BILL

ORIGINAL

YEAR

5204 ~~of the savings derived from reducing fraud through this program~~  
5205 ~~shall be to expand the program to other areas of the state.~~

5206       Section 186. Subsection (6) of section 415.1045, Florida  
5207 Statutes, is amended to read:

5208       415.1045   Photographs, videotapes, and medical examinations;  
5209 abrogation of privileged communications; confidential records and  
5210 documents.--

5211       (6)   WORKING AGREEMENTS.--~~By March 1, 2004,~~ The department  
5212 shall enter into working agreements with the jurisdictionally  
5213 responsible county sheriffs' office or local police department  
5214 that will be the lead agency when conducting any criminal  
5215 investigation arising from an allegation of abuse, neglect, or  
5216 exploitation of a vulnerable adult. The working agreement must  
5217 specify how the requirements of this chapter will be met. ~~The~~  
5218 ~~Office of Program Policy Analysis and Government Accountability~~  
5219 ~~shall conduct a review of the efficacy of the agreements and~~  
5220 ~~report its findings to the Legislature by March 1, 2005.~~ For the  
5221 purposes of such agreement, the jurisdictionally responsible law  
5222 enforcement entity is authorized to share Florida criminal  
5223 history and local criminal history information that is not  
5224 otherwise exempt from s. 119.07(1) with the district personnel. A  
5225 law enforcement entity entering into such agreement must comply  
5226 with s. 943.0525. Criminal justice information provided by such  
5227 law enforcement entity shall be used only for the purposes  
5228 specified in the agreement and shall be provided at no charge.  
5229 Notwithstanding any other provision of law, the Department of Law  
5230 Enforcement shall provide to the department electronic access to  
5231 Florida criminal justice information which is lawfully available  
5232 and not exempt from s. 119.07(1), only for the purpose of

BILL

ORIGINAL

YEAR

protective investigations and emergency placement. As a condition of access to such information, the department shall be required to execute an appropriate user agreement addressing the access, use, dissemination, and destruction of such information and to comply with all applicable laws and rules of the Department of Law Enforcement.

Section 187. Paragraph (a) of subsection (5) of section 415.111, Florida Statutes, is amended to read:

415.111 Criminal penalties.--

(5) A person who knowingly and willfully makes a false report of abuse, neglect, or exploitation of a vulnerable adult, or a person who advises another to make a false report, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(a) The department shall establish procedures for determining whether a false report of abuse, neglect, or exploitation of a vulnerable adult has been made and for submitting all identifying information relating to such a false report to the local law enforcement agency as provided in this subsection ~~and shall report annually to the Legislature the number of reports referred.~~

Section 188. Subsection (9) of section 420.622, Florida Statutes, is amended to read:

420.622 State Office on Homelessness; Council on Homelessness.--

(9) The council shall, by December 31 of each year, provide ~~issue~~ to the Governor, the Legislature ~~President of the Senate,~~ ~~the Speaker of the House of Representatives,~~ and the Secretary of Children and Family Services ~~an evaluation of the executive~~

BILL

ORIGINAL

YEAR

5262 ~~director's performance in fulfilling the statutory duties of the~~  
5263 ~~office, a report summarizing the status of homelessness in the~~  
5264 ~~state and the council's recommendations to the office and the~~  
5265 ~~corresponding actions taken by the office, and any~~  
5266 ~~recommendations to the Legislature for reducing proposals to~~  
5267 ~~reduce homelessness in this state.~~

5268       Section 189. Subsection (4) of section 420.623, Florida  
5269 Statutes, is amended to read:

5270       420.623 Local coalitions for the homeless.--

5271       ~~(4) ANNUAL REPORTS. The department shall submit to the~~  
5272 ~~Governor, the Speaker of the House of Representatives, and the~~  
5273 ~~President of the Senate, by June 30, an annual report consisting~~  
5274 ~~of a compilation of data collected by local coalitions, progress~~  
5275 ~~made in the development and implementation of local homeless~~  
5276 ~~assistance continuums of care plans in each district, local~~  
5277 ~~spending plans, programs and resources available at the local~~  
5278 ~~level, and recommendations for programs and funding.~~

5279       Section 190. Subsection (9) of section 427.704, Florida  
5280 Statutes, is amended to read:

5281       427.704 Powers and duties of the commission.--

5282       (9) The commission shall prepare ~~provide to the President~~  
5283 ~~of the Senate and to the Speaker of the House of Representatives~~  
5284 ~~an annual report on the operation of the telecommunications~~  
5285 ~~access system that shall be available on the commission's~~  
5286 ~~Internet website. The first report shall be provided no later~~  
5287 ~~than January 1, 1992, and successive reports shall be provided by~~  
5288 ~~January 1 of each year thereafter.~~ Reports shall be prepared in  
5289 consultation with the administrator and the advisory committee  
5290 appointed pursuant to s. 427.706. The reports shall, at a



BILL

ORIGINAL

YEAR

5291 minimum, briefly outline the status of developments of the  
5292 telecommunications access system, the number of persons served,  
5293 the call volume, revenues and expenditures, the allocation of the  
5294 revenues and expenditures between provision of specialized  
5295 telecommunications devices to individuals and operation of  
5296 statewide relay service, other major policy or operational  
5297 issues, and proposals for improvements or changes to the  
5298 telecommunications access system.

5299       Section 191. Subsection (2) of section 427.706, Florida  
5300 Statutes, is amended to read:

5301       427.706 Advisory committee.--

5302       (2) The advisory committee shall provide the expertise,  
5303 experience, and perspective of persons who are hearing impaired  
5304 or speech impaired to the commission and to the administrator  
5305 during all phases of the development and operation of the  
5306 telecommunications access system. The advisory committee shall  
5307 advise the commission and the administrator on any matter  
5308 relating to the quality and cost-effectiveness of the  
5309 telecommunications relay service and the specialized  
5310 telecommunications devices distribution system. The advisory  
5311 committee may submit material for inclusion in the annual report  
5312 prepared pursuant to s. 427.704 ~~to the President of the Senate~~  
5313 ~~and the Speaker of the House of Representatives.~~

5314       Section 192. Subsections (3) through (16) of section  
5315 430.04, Florida Statutes, are amended to read:

5316       430.04 Duties and responsibilities of the Department of  
5317 Elderly Affairs.--The Department of Elderly Affairs shall:

5318       ~~(3) Prepare and submit to the Governor, each Cabinet~~  
5319 ~~member, the President of the Senate, the Speaker of the House of~~

BILL

ORIGINAL

YEAR

5320 ~~Representatives, the minority leaders of the House and Senate,~~  
5321 ~~and chairpersons of appropriate House and Senate committees a~~  
5322 ~~master plan for policies and programs in the state related to~~  
5323 ~~aging. The plan must identify and assess the needs of the elderly~~  
5324 ~~population in the areas of housing, employment, education and~~  
5325 ~~training, medical care, long term care, preventive care,~~  
5326 ~~protective services, social services, mental health,~~  
5327 ~~transportation, and long term care insurance, and other areas~~  
5328 ~~considered appropriate by the department. The plan must assess~~  
5329 ~~the needs of particular subgroups of the population and evaluate~~  
5330 ~~the capacity of existing programs, both public and private and in~~  
5331 ~~state and local agencies, to respond effectively to identified~~  
5332 ~~needs. If the plan recommends the transfer of any program or~~  
5333 ~~service from the Department of Children and Family Services to~~  
5334 ~~another state department, the plan must also include~~  
5335 ~~recommendations that provide for an independent third party~~  
5336 ~~mechanism, as currently exists in the Florida advocacy councils~~  
5337 ~~established in ss. 402.165 and 402.166, for protecting the~~  
5338 ~~constitutional and human rights of recipients of departmental~~  
5339 ~~services. The plan must include policy goals and program~~  
5340 ~~strategies designed to respond efficiently to current and~~  
5341 ~~projected needs. The plan must also include policy goals and~~  
5342 ~~program strategies to promote intergenerational relationships and~~  
5343 ~~activities. Public hearings and other appropriate processes shall~~  
5344 ~~be utilized by the department to solicit input for the~~  
5345 ~~development and updating of the master plan from parties~~  
5346 ~~including, but not limited to, the following:~~  
5347 ~~(a) Elderly citizens and their families and caregivers.~~

BILL

ORIGINAL

YEAR

5348        ~~(b) Local-level public and private service providers,~~  
 5349        ~~advocacy organizations, and other organizations relating to the~~  
 5350        ~~elderly.~~  
 5351        ~~(c) Local governments.~~  
 5352        ~~(d) All state agencies that provide services to the~~  
 5353        ~~elderly.~~  
 5354        ~~(e) University centers on aging.~~  
 5355        ~~(f) Area agency on aging and community care for the elderly~~  
 5356        ~~lead agencies.~~  
 5357        (3)~~(4)~~    Serve as an information clearinghouse at the state  
 5358        level, and assist local-level information and referral resources  
 5359        as a repository and means for dissemination of information  
 5360        regarding all federal, state, and local resources for assistance  
 5361        to the elderly in the areas of, but not limited to, health,  
 5362        social welfare, long-term care, protective services, consumer  
 5363        protection, education and training, housing, employment,  
 5364        recreation, transportation, insurance, and retirement.  
 5365        (4)~~(5)~~    Recommend guidelines for the development of roles  
 5366        for state agencies that provide services for the aging, review  
 5367        plans of agencies that provide such services, and relay these  
 5368        plans to the Governor and the Legislature, ~~each Cabinet member,~~  
 5369        ~~the President of the Senate, the Speaker of the House of~~  
 5370        ~~Representatives, the minority leaders of the House and Senate,~~  
 5371        ~~and chairpersons of appropriate House and Senate committees.~~  
 5372        (5)~~(6)~~    Recommend to the Governor and the Legislature, ~~each~~  
 5373        ~~Cabinet member, the President of the Senate, the Speaker of the~~  
 5374        ~~House of Representatives, the minority leaders of the House and~~  
 5375        ~~Senate, and chairpersons of appropriate House and Senate~~  
 5376        ~~committees~~ an organizational framework for the planning,

BILL

ORIGINAL

YEAR

5377 coordination, implementation, and evaluation of programs related  
5378 to aging, with the purpose of expanding and improving programs  
5379 and opportunities available to the state's elderly population and  
5380 enhancing a continuum of long-term care. This framework must  
5381 assure that:

5382       (a) Performance objectives are established.

5383       (b) Program reviews are conducted statewide.

5384       (c) Each major program related to aging is reviewed every 3  
5385 years.

5386       ~~(d) Agency budget requests reflect the results and~~  
5387 ~~recommendations of such program reviews.~~

5388       (d)(e) Program decisions reinforce ~~lead to~~ the distinctive  
5389 roles established for state agencies that provide aging services.

5390       (6)(7) Advise the Governor and the Legislature, ~~each~~  
5391 ~~Cabinet member, the President of the Senate, the Speaker of the~~  
5392 ~~House of Representatives, the minority leaders of the House and~~  
5393 ~~Senate, and the chairpersons of appropriate House and Senate~~  
5394 ~~committees~~ regarding the need for and location of programs  
5395 related to aging.

5396       (7)(8) Review and coordinate aging research plans of all  
5397 state agencies to ensure that ~~the conformance of~~ research  
5398 objectives address ~~to~~ issues and needs of the state's elderly  
5399 population ~~addressed in the master plan for policies and programs~~  
5400 ~~related to aging~~. The research activities that must be reviewed  
5401 and coordinated by the department include, but are not limited  
5402 to, contracts with academic institutions, development of  
5403 educational and training curriculums, Alzheimer's disease and  
5404 other medical research, studies of long-term care and other

BILL

ORIGINAL

YEAR

personal assistance needs, and design of adaptive or modified living environments.

(8)-(9) Review budget requests for programs related to aging to ensure the most cost-effective use of state funding for the state's elderly population prior to ~~for compliance with the master plan for policies and programs related to aging before~~ submission to the Governor and the Legislature.

~~(10) Update the master plan for policies and programs related to aging every 3 years.~~

~~(11) Review implementation of the master plan for programs and policies related to aging and annually report to the Governor, each Cabinet member, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the House and Senate, and the chairpersons of appropriate House and Senate committees the progress towards implementation of the plan.~~

(9)-(12) Request other departments that administer programs affecting the state's elderly population to amend their plans, rules, policies, and research objectives as necessary to ensure that programs and other initiatives are coordinated and maximize the state's efforts to address the needs of the elderly ~~conform with the master plan for policies and programs related to aging.~~

(10)-(13) Hold public meetings regularly throughout the state for purposes of receiving information and maximizing the visibility of important issues related to aging and the elderly.

(11)-(14) Conduct policy analysis and program evaluation studies assigned by the Legislature.

(12)-(15) Assist the Governor, each Cabinet member, and members of the Legislature ~~the President of the Senate, the~~

BILL

ORIGINAL

YEAR

5434 ~~Speaker of the House of Representatives, the minority leaders of~~  
5435 ~~the House and Senate, and the chairpersons of appropriate House~~  
5436 ~~and Senate committees~~ in the conduct of their responsibilities in  
5437 such capacities as they consider appropriate.

5438       ~~(13)(16)~~ Call upon appropriate agencies of state government  
5439 for such assistance as is needed in the discharge of its duties.  
5440 All agencies shall cooperate in assisting the department in  
5441 carrying out its responsibilities as prescribed by this section.  
5442 However, no provision of law with respect to confidentiality of  
5443 information may be violated.

5444       Section 193. Subsections (3) and (8) of section 430.502,  
5445 Florida Statutes, are amended to read:

5446       430.502 Alzheimer's disease; memory disorder clinics and  
5447 day care and respite care programs.--

5448       (3) The Alzheimer's Disease Advisory Committee shall ~~must~~  
5449 evaluate and make recommendations to the department and the  
5450 Legislature concerning the need for additional memory disorder  
5451 clinics in the state. ~~The first report will be due by December~~  
5452 ~~31, 1995.~~

5453       (8) The department will implement the waiver program  
5454 specified in subsection (7). The agency and the department shall  
5455 ensure that providers are selected that have a history of  
5456 successfully serving persons with Alzheimer's disease. The  
5457 department and the agency shall develop specialized standards for  
5458 providers and services tailored to persons in the early, middle,  
5459 and late stages of Alzheimer's disease and designate a level of  
5460 care determination process and standard that is most appropriate  
5461 to this population. The department and the agency shall include  
5462 in the waiver services designed to assist the caregiver in

BILL

ORIGINAL

YEAR

continuing to provide in-home care. The department shall implement this waiver program subject to a specific appropriation or as provided in the General Appropriations Act. ~~The department and the agency shall submit their program design to the President of the Senate and the Speaker of the House of Representatives for consultation during the development process.~~

Section 194. Subsection (1) of section 430.707, Florida Statutes, is amended to read:

430.707 Contracts.--

(1) The department, in consultation with the agency, shall select and contract with managed care organizations and, on a prepaid basis, with other qualified providers as defined in s. 430.703(7) to provide long-term care within community diversion pilot project areas. ~~The agency shall evaluate and report quarterly to the department the compliance by other qualified providers with all the financial and quality assurance requirements of the contract.~~

Section 195. Paragraph (a) of subsection (3) and paragraph (c) of subsection (4) of section 445.003, Florida Statutes, are amended to read:

445.003 Implementation of the federal Workforce Investment Act of 1998.--

(3) FUNDING.--

(a) Title I, Workforce Investment Act of 1998 funds; Wagner-Peyser funds; and NAFTA/Trade Act funds will be expended based on the 5-year plan of Workforce Florida, Inc. The plan shall outline and direct the method used to administer and coordinate various funds and programs that are operated by

BILL

ORIGINAL

YEAR

5491 various agencies. The following provisions shall also apply to  
5492 these funds:

5493         1. At least 50 percent of the Title I funds for Adults and  
5494 Dislocated Workers that are passed through to regional workforce  
5495 boards shall be allocated to Individual Training Accounts unless  
5496 a regional workforce board obtains a waiver from Workforce  
5497 Florida, Inc. Tuition, fees, and performance-based incentive  
5498 awards paid in compliance with Florida's Performance-Based  
5499 Incentive Fund Program qualify as an Individual Training Account  
5500 expenditure, as do other programs developed by regional workforce  
5501 boards in compliance with policies of Workforce Florida, Inc.

5502         2. Fifteen percent of Title I funding shall be retained at  
5503 the state level and shall be dedicated to state administration  
5504 and used to design, develop, induce, and fund innovative  
5505 Individual Training Account pilots, demonstrations, and programs.  
5506 Of such funds retained at the state level, \$2 million shall be  
5507 reserved for the Incumbent Worker Training Program, created under  
5508 subparagraph 3. Eligible state administration costs include the  
5509 costs of: funding for the board and staff of Workforce Florida,  
5510 Inc.; operating fiscal, compliance, and management accountability  
5511 systems through Workforce Florida, Inc.; conducting evaluation  
5512 and research on workforce development activities; and providing  
5513 technical and capacity building assistance to regions at the  
5514 direction of Workforce Florida, Inc. Notwithstanding s. 445.004,  
5515 such administrative costs shall not exceed 25 percent of these  
5516 funds. An amount not to exceed 75 percent of these funds shall be  
5517 allocated to Individual Training Accounts and other workforce  
5518 development strategies for: the Minority Teacher Education  
5519 Scholars program, the Certified Teacher-Aide program, the Self-



BILL

ORIGINAL

YEAR

5520 Employment Institute, and other training designed and tailored by  
5521 Workforce Florida, Inc., including, but not limited to, programs  
5522 for incumbent workers, displaced homemakers, nontraditional  
5523 employment, empowerment zones, and enterprise zones. Workforce  
5524 Florida, Inc., shall design, adopt, and fund Individual Training  
5525 Accounts for distressed urban and rural communities.

5526         3. The Incumbent Worker Training Program is created for the  
5527 purpose of providing grant funding for continuing education and  
5528 training of incumbent employees at existing Florida businesses.  
5529 The program will provide reimbursement grants to businesses that  
5530 pay for preapproved, direct, training-related costs.

5531         a. The Incumbent Worker Training Program will be  
5532 administered by Workforce Florida, Inc. Workforce Florida, Inc.,  
5533 at its discretion, may contract with a private business  
5534 organization to serve as grant administrator.

5535         b. To be eligible for the program's grant funding, a  
5536 business must have been in operation in Florida for a minimum of  
5537 1 year prior to the application for grant funding; have at least  
5538 one full-time employee; demonstrate financial viability; and be  
5539 current on all state tax obligations. Priority for funding shall  
5540 be given to businesses with 25 employees or fewer, businesses in  
5541 rural areas, businesses in distressed inner-city areas,  
5542 businesses in a qualified targeted industry, businesses whose  
5543 grant proposals represent a significant upgrade in employee  
5544 skills, or businesses whose grant proposals represent a  
5545 significant layoff avoidance strategy.

5546         c. All costs reimbursed by the program must be preapproved  
5547 by Workforce Florida, Inc., or the grant administrator. The  
5548 program will not reimburse businesses for trainee wages, the

BILL

ORIGINAL

YEAR

5549 purchase of capital equipment, or the purchase of any item or  
5550 service that may possibly be used outside the training project. A  
5551 business approved for a grant may be reimbursed for preapproved,  
5552 direct, training-related costs including tuition and fees; books  
5553 and classroom materials; and overhead or indirect costs not to  
5554 exceed 5 percent of the grant amount.

5555       d. A business that is selected to receive grant funding  
5556 must provide a matching contribution to the training project,  
5557 including, but not limited to, wages paid to trainees or the  
5558 purchase of capital equipment used in the training project; must  
5559 sign an agreement with Workforce Florida, Inc., or the grant  
5560 administrator to complete the training project as proposed in the  
5561 application; must keep accurate records of the project's  
5562 implementation process; and must submit monthly or quarterly  
5563 reimbursement requests with required documentation.

5564       e. All Incumbent Worker Training Program grant projects  
5565 shall be performance-based with specific measurable performance  
5566 outcomes, including completion of the training project and job  
5567 retention. Workforce Florida, Inc., or the grant administrator  
5568 shall withhold the final payment to the grantee until a final  
5569 grant report is submitted and all performance criteria specified  
5570 in the grant contract have been achieved.

5571       f. Workforce Florida, Inc., may establish guidelines  
5572 necessary to implement the Incumbent Worker Training Program.

5573       g. No more than 10 percent of the Incumbent Worker Training  
5574 Program's total appropriation may be used for overhead or  
5575 indirect purposes.

5576       h. Workforce Florida, Inc., shall ~~submit~~ a report to the  
5577 Legislature on the financial and general operations of the

BILL

ORIGINAL

YEAR

5578 Incumbent Worker Training Program as part of its annual report  
5579 submitted pursuant to s. 445.004. ~~Such report will be due before~~  
5580 ~~October 1 of any fiscal year for which the program is funded by~~  
5581 ~~the Legislature.~~

5582 4. At least 50 percent of Rapid Response funding shall be  
5583 dedicated to Intensive Services Accounts and Individual Training  
5584 Accounts for dislocated workers and incumbent workers who are at  
5585 risk of dislocation. Workforce Florida, Inc., shall also maintain  
5586 an Emergency Preparedness Fund from Rapid Response funds which  
5587 will immediately issue Intensive Service Accounts and Individual  
5588 Training Accounts as well as other federally authorized  
5589 assistance to eligible victims of natural or other disasters. At  
5590 the direction of the Governor, for events that qualify under  
5591 federal law, these Rapid Response funds shall be released to  
5592 regional workforce boards for immediate use. Funding shall also  
5593 be dedicated to maintain a unit at the state level to respond to  
5594 Rapid Response emergencies around the state, to work with state  
5595 emergency management officials, and to work with regional  
5596 workforce boards. All Rapid Response funds must be expended based  
5597 on a plan developed by Workforce Florida, Inc., and approved by  
5598 the Governor.

5599 (4) FEDERAL REQUIREMENTS, EXCEPTIONS AND REQUIRED  
5600 MODIFICATIONS.--

5601 (c) Workforce Florida, Inc., may make modifications to the  
5602 state's plan, policies, and procedures to comply with federally  
5603 mandated requirements that in its judgment must be complied with  
5604 to maintain funding provided pursuant to Pub. L. No. 105-220. ~~The~~  
5605 ~~board shall notify in writing the Governor, the President of the~~

BILL

ORIGINAL

YEAR

5606 ~~Senate, and the Speaker of the House of Representatives within 30~~  
5607 ~~days after any such changes or modifications.~~

5608       Section 196. Paragraph (a) of subsection (3) of section  
5609 445.004, Florida Statutes, is amended to read:

5610       445.004 Workforce Florida, Inc.; creation; purpose;  
5611 membership; duties and powers.--

5612       (3)(a) Workforce Florida, Inc., shall be governed by a  
5613 board of directors, the number of directors to be determined by  
5614 the Governor, whose membership and appointment must be consistent  
5615 with Pub. L. No. 105-220, Title I, s. 111(b), and contain one  
5616 member representing the licensed nonpublic postsecondary  
5617 educational institutions authorized as individual training  
5618 account providers, one member from the staffing service industry,  
5619 at least one member who is a current or former recipient of  
5620 welfare transition services as defined in s. 445.002(3) or  
5621 workforce services as provided in s. 445.009(1), and five  
5622 representatives of organized labor who shall be appointed by the  
5623 Governor. ~~Notwithstanding s. 114.05(1)(f), the Governor may~~  
5624 ~~appoint remaining members to Workforce Florida, Inc., from the~~  
5625 ~~current Workforce Development Board and the WAGES Program State~~  
5626 ~~Board of Directors, established pursuant to chapter 96-175, Laws~~  
5627 ~~of Florida, to serve on the reconstituted board. By July 1, 2000,~~  
5628 ~~the Workforce Development Board will provide to the Governor a~~  
5629 ~~transition plan to incorporate the changes required by this act~~  
5630 ~~and Pub. L. No. 105-220, specifying the manner of changes to the~~  
5631 ~~board. This plan shall govern the transition, unless otherwise~~  
5632 ~~notified by the Governor.~~ The importance of minority, gender, and  
5633 geographic representation shall be considered when making  
5634 appointments to the board.

BILL

ORIGINAL

YEAR

5635           Section 197. Subsection (1) and paragraph (a) of subsection  
5636           (6) of section 445.006, Florida Statutes, are amended to read:  
5637           445.006 Strategic plan for workforce development.--  
5638           (1) Workforce Florida, Inc., in conjunction with state and  
5639           local partners in the workforce system, shall develop a strategic  
5640           plan for workforce, with the goal of producing skilled employees  
5641           for employers in the state. ~~The strategic plan shall be submitted~~  
5642           ~~to the Governor, the President of the Senate, and the Speaker of~~  
5643           ~~the House of Representatives by February 1, 2001.~~ The strategic  
5644           plan shall be updated or modified by January 1 of each year  
5645           thereafter. The plan must include, but need not be limited to,  
5646           strategies for:  
5647               (a) Fulfilling the workforce system goals and strategies  
5648               prescribed in s. 445.004;  
5649               (b) Aggregating, integrating, and leveraging workforce  
5650               system resources;  
5651               (c) Coordinating the activities of federal, state, and  
5652               local workforce system partners;  
5653               (d) Addressing the workforce needs of small businesses; and  
5654               (e) Fostering the participation of rural communities and  
5655               distressed urban cores in the workforce system.  
5656           (6)(a) The strategic plan must include strategies that are  
5657           designed to prevent or reduce the need for a person to receive  
5658           public assistance. These strategies must include:  
5659               1. A teen pregnancy prevention component that includes, but  
5660               is not limited to, ~~a plan for implementing the Florida Education~~  
5661               ~~Now and Babies Later (ENABL) program under s. 411.242 and the~~  
5662               Teen Pregnancy Prevention Community Initiative within each county

BILL

ORIGINAL

YEAR

5663 of the services area in which the teen birth rate is higher than  
5664 the state average;

5665       2. A component that encourages creation of community-based  
5666 welfare prevention and reduction initiatives that increase  
5667 support provided by noncustodial parents to their welfare-  
5668 dependent children and are consistent with program and financial  
5669 guidelines developed by Workforce Florida, Inc., and the  
5670 Commission on Responsible Fatherhood. These initiatives may  
5671 include, but are not limited to, improved paternity  
5672 establishment, work activities for noncustodial parents, programs  
5673 aimed at decreasing out-of-wedlock pregnancies, encouraging  
5674 involvement of fathers with their children including court-  
5675 ordered supervised visitation, and increasing child support  
5676 payments;

5677       3. A component that encourages formation and maintenance of  
5678 two-parent families through, among other things, court-ordered  
5679 supervised visitation;

5680       4. A component that fosters responsible fatherhood in  
5681 families receiving assistance; and

5682       5. A component that fosters provision of services that  
5683 reduce the incidence and effects of domestic violence on women  
5684 and children in families receiving assistance.

5685       Section 198. Subsection (4) of section 445.022, Florida  
5686 Statutes, is amended to read:

5687       445.022 Retention Incentive Training Accounts.--To promote  
5688 job retention and to enable upward job advancement into higher  
5689 skilled, higher paying employment, the board of directors of  
5690 Workforce Florida, Inc., and regional workforce boards may  
5691 assemble, from postsecondary education institutions, a list of

BILL

ORIGINAL

YEAR

programs and courses for participants who have become employed which promote job retention and advancement.

~~(4) Regional workforce boards shall report annually to the Legislature on the measurable retention and advancement success of each program provider and the effectiveness of RITAs, making recommendations for any needed changes or modifications.~~

Section 199. Subsection (9) of section 445.049, Florida Statutes, is amended to read:

445.049 Digital Divide Council.--

~~(9) ANNUAL REPORT. By March 1, 2002, the council, through the State Technology Office, shall report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate the results of the council's monitoring, reviewing, and evaluating such programs since their inception and the council's recommendations as to whether such programs should be continued and expanded to achieve the objectives and goals stated in this section.~~

Section 200. Section 446.27, Florida Statutes, is repealed.

Section 201. Paragraphs (a) and (c) of subsection (4) of section 446.50, Florida Statutes, are amended to read:

446.50 Displaced homemakers; multiservice programs; 3-year plan ~~report to the Legislature~~; Displaced Homemaker Trust Fund created.--

(4) STATE PLAN.--

(a) The Agency for Workforce Innovation shall develop a 3-year state plan for the displaced homemaker program which shall be updated annually and submitted to the Legislature by January 1. The plan must address, at a minimum, the need for programs specifically designed to serve displaced homemakers, any

BILL

ORIGINAL

YEAR

necessary service components for such programs in addition to those enumerated in this section, goals of the displaced homemaker program with an analysis of the extent to which those goals are being met, and recommendations for ways to address any unmet program goals. Any request for funds for program expansion must be based on the state plan.

~~(c) The 3-year state plan must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor on or before January 1, 2001, and annual updates of the plan must be submitted by January 1 of each subsequent year.~~

Section 202. Subsection (10) of section 446.609, Florida Statutes, is amended to read:

446.609 Jobs for Florida's Graduates Act.--

~~(10) ASSESSMENT OF PROGRAM RESULTS.--The success of the Jobs for Florida's Graduates Program shall be assessed as follows:~~

~~(a) No later than November 1 of each year of the Jobs for Florida's Graduates Program, Jobs for America's Graduates, Inc., shall conduct and deliver to the Office of Program Policy Analysis and Government Accountability a full review and report of the program's activities. The Office of Program Policy Analysis and Government Accountability shall audit and review the report and deliver the report, along with its analysis and any recommendations for expansion, curtailment, modification, or continuation, to the board not later than December 31 of the same year.~~

~~(b)~~ Beginning in the first year of the Jobs for Florida's Graduates Program, the Office of Economic and Demographic



BILL

ORIGINAL

YEAR

5750 Research shall undertake, during the initial phase, an ongoing  
5751 longitudinal study of participants to determine the overall  
5752 efficacy of the program. ~~The division shall transmit its findings~~  
5753 ~~each year to the Office of Program Policy Analysis and Government~~  
5754 ~~Accountability for inclusion in the report provided for in~~  
5755 ~~paragraph (a).~~

5756 Section 203. Section 455.204, Florida Statutes, is  
5757 repealed.

5758 Section 204. Subsection (8) of section 455.2226, Florida  
5759 Statutes, is amended to read:

5760 455.2226 Funeral directors and embalmers; instruction on  
5761 HIV and AIDS.--

5762 ~~(8) The board shall report to the Legislature by March 1 of~~  
5763 ~~each year as to the implementation and compliance with the~~  
5764 ~~requirements of this section.~~

5765 Section 205. Subsections (4) and (6) of section 455.2228,  
5766 Florida Statutes, are amended to read:

5767 455.2228 Barbers and cosmetologists; instruction on HIV and  
5768 AIDS.--

5769 (4) ~~As of December 31, 1992,~~ The board, or the department  
5770 where there is no board, shall require, as a condition of  
5771 granting a license under any of the chapters or parts thereof  
5772 specified in subsection (1), that an applicant making initial  
5773 application for licensure complete an educational course  
5774 acceptable to the board, or the department where there is no  
5775 board, on human immunodeficiency virus and acquired immune  
5776 deficiency syndrome. An applicant who has not taken a course at  
5777 the time of licensure shall, upon an affidavit showing good  
5778 cause, be allowed 6 months to complete this requirement.

BILL

ORIGINAL

YEAR

5779        ~~(6) The board, or the department where there is no board,~~  
 5780        ~~shall report to the Legislature by March 1 of each year as to the~~  
 5781        ~~implementation and compliance with the requirements of this~~  
 5782        ~~section.~~

5783            Section 206.    Section 456.005, Florida Statutes, is amended  
 5784        to read:

5785            456.005    Long-range policy planning; plans, reports, and  
 5786        recommendations.--To facilitate efficient and cost-effective  
 5787        regulation, the department and the board, where appropriate,  
 5788        shall develop and implement a long-range policy planning and  
 5789        monitoring process to include recommendations specific to each  
 5790        profession. Such process shall include estimates of revenues,  
 5791        expenditures, cash balances, and performance statistics for each  
 5792        profession. The period covered shall not be less than 5 years.  
 5793        The department, with input from the boards and licensees, shall  
 5794        develop and adopt the long-range plan ~~and must obtain the~~  
 5795        ~~approval of the secretary~~. The department shall monitor  
 5796        compliance with the ~~approved long range~~ plan and, with input from  
 5797        the boards and licensees, shall annually update the plans ~~for~~  
 5798        ~~approval by the secretary~~. The department shall provide concise  
 5799        management reports to the boards quarterly. As part of the review  
 5800        process, the department shall evaluate:

5801            (1)    Whether the department, including the boards and the  
 5802        various functions performed by the department, is operating  
 5803        efficiently and effectively and if there is a need for a board or  
 5804        council to assist in cost-effective regulation.

5805            (2)    How and why the various professions are regulated.

5806            (3)    Whether there is a need to continue regulation, and to  
 5807        what degree.

BILL

ORIGINAL

YEAR

5808           (4) Whether ~~or not~~ consumer protection is adequate, and how  
5809 it can be improved.

5810           (5) Whether there is consistency between the various  
5811 practice acts.

5812           (6) Whether unlicensed activity is adequately enforced.

5813  
5814 Such plans should include conclusions and recommendations on  
5815 these and other issues as appropriate. ~~Such plans shall be~~  
5816 ~~provided to the Governor and the Legislature by November 1 of~~  
5817 ~~each year.~~

5818           Section 207. Subsection (9) of section 456.025, Florida  
5819 Statutes, is amended to read:

5820           456.025 Fees; receipts; disposition.--

5821           (9) The department shall provide a ~~condensed~~ management  
5822 report of revenues and expenditures ~~budgets, finances,~~  
5823 performance measures ~~statistics,~~ and recommendations to each  
5824 board at least once a quarter. ~~The department shall identify and~~  
5825 ~~include in such presentations any changes, or projected changes,~~  
5826 ~~made to the board's budget since the last presentation.~~

5827           Section 208. Subsection (5) of section 456.031, Florida  
5828 Statutes, is amended to read:

5829           456.031 Requirement for instruction on domestic violence.--

5830           ~~(5) Each board shall report to the President of the Senate,~~  
5831 ~~the Speaker of the House of Representatives, and the chairs of~~  
5832 ~~the appropriate substantive committees of the Legislature by~~  
5833 ~~March 1 of each year as to the implementation of and compliance~~  
5834 ~~with the requirements of this section.~~

5835           Section 209. Subsection (8) of section 456.033, Florida  
5836 Statutes, is amended to read:

BILL

ORIGINAL

YEAR

5837           456.033 Requirement for instruction for certain licensees  
5838 on HIV and AIDS.--  
5839       ~~(8) The board shall report to the Legislature by March 1 of~~  
5840 ~~each year as to the implementation and compliance with the~~  
5841 ~~requirements of this section.~~  
5842       Section 210. Subsection (6) of section 456.034, Florida  
5843 Statutes, is amended to read:  
5844       456.034 Athletic trainers and massage therapists;  
5845 requirement for instruction on HIV and AIDS.--  
5846       ~~(6) The board, or the department where there is no board,~~  
5847 ~~shall report to the Legislature by March 1 of each year as to the~~  
5848 ~~implementation and compliance with the requirements of this~~  
5849 ~~section.~~  
5850       Section 211. Subsections (3) and (4) of section 517.302,  
5851 Florida Statutes, are amended to read:  
5852       517.302 Criminal penalties; alternative fine; Anti-Fraud  
5853 Trust Fund; time limitation for criminal prosecution.--  
5854       (3) In lieu of a fine otherwise authorized by law, a person  
5855 who has been convicted of or who has pleaded guilty or no contest  
5856 to having engaged in conduct in violation of the provisions of  
5857 this chapter may be sentenced to pay a fine that does not exceed  
5858 the greater of three times the gross value gained or three times  
5859 the gross loss caused by such conduct, plus court costs and the  
5860 costs of investigation and prosecution reasonably incurred.  
5861       (4)~~(a)~~ There is created within the office a trust fund to  
5862 be known as the Anti-Fraud Trust Fund. Any amounts assessed as  
5863 costs of investigation and prosecution under this subsection  
5864 shall be deposited in the trust fund. Funds deposited in such  
5865 trust fund shall be used, when authorized by appropriation, for

BILL

ORIGINAL

YEAR

5866 investigation and prosecution of administrative, civil, and  
5867 criminal actions arising under the provisions of this chapter.  
5868 Funds may also be used to improve the public's awareness and  
5869 understanding of prudent investing.

5870 ~~(b) The office shall report to the Executive Office of the~~  
5871 ~~Governor annually by November 15, the amounts deposited into the~~  
5872 ~~Anti-Fraud Trust Fund during the previous fiscal year. The~~  
5873 ~~Executive Office of the Governor shall distribute these reports~~  
5874 ~~to the President of the Senate and the Speaker of the House of~~  
5875 ~~Representatives.~~

5876 (5)(4) Criminal prosecution for offenses under this chapter  
5877 is subject to the time limitations of s. 775.15.

5878 Section 212. Section 526.3135, Florida Statutes, is  
5879 repealed.

5880 Section 213. Subsection (3) of section 531.415, Florida  
5881 Statutes, is amended to read:

5882 531.415 Fees.--

5883 ~~(3) The department shall notify the Legislature when the~~  
5884 ~~fees provided in this section are no longer sufficient to cover~~  
5885 ~~the direct and indirect costs of tests and calibrations described~~  
5886 ~~in this section.~~

5887 Section 214. Section 553.975, Florida Statutes, is  
5888 repealed.

5889 Section 215. Subsection (3) of section 570.0705, Florida  
5890 Statutes, is amended to read:

5891 570.0705 Advisory committees.--From time to time the  
5892 commissioner may appoint any advisory committee to assist the  
5893 department with its duties and responsibilities.

BILL

ORIGINAL

YEAR

5894        ~~(3) On January 1 of each year the commissioner shall submit~~  
5895        ~~to the President of the Senate, the Speaker of the House of~~  
5896        ~~Representatives, and the minority leaders of the Senate and the~~  
5897        ~~House of Representatives a list of each advisory committee~~  
5898        ~~established in the department.~~

5899        Section 216. Subsection (5) of section 570.0725, Florida  
5900        Statutes, is amended to read:

5901        570.0725 Food recovery; legislative intent; department  
5902        functions.--

5903        ~~(5) The department shall account for the direct and~~  
5904        ~~indirect costs associated with supporting food recovery programs~~  
5905        ~~throughout the state. It shall submit a report to the President~~  
5906        ~~of the Senate and the Speaker of the House of Representatives by~~  
5907        ~~November 1, for the previous fiscal year, when state funds are~~  
5908        ~~spent for this purpose. The report must include, but need not be~~  
5909        ~~limited to, the identity of organizations receiving funds, the~~  
5910        ~~amount of funds disbursed to these organizations, other uses of~~  
5911        ~~food recovery funds, and estimates of the amount of fresh produce~~  
5912        ~~recovered.~~

5913        Section 217. Subsection (3) of section 570.235, Florida  
5914        Statutes, is amended to read:

5915        570.235 Pest Exclusion Advisory Committee.--

5916        ~~(3) The committee shall issue a report of its findings to~~  
5917        ~~the Commissioner of Agriculture, the Governor, the Speaker of the~~  
5918        ~~House of Representatives, and the President of the Senate by~~  
5919        ~~January 1, 2001.~~

5920        Section 218. Subsection (3) of section 570.543, Florida  
5921        Statutes, is amended to read:

BILL

ORIGINAL

YEAR

5922           570.543   Florida Consumers' Council.--The Florida Consumers'  
5923   Council in the department is created to advise and assist the  
5924   department in carrying out its duties.

5925           ~~(3) RECOMMENDATIONS. The council shall transmit a written~~  
5926   ~~summary of its legislative recommendations to the President of~~  
5927   ~~the Senate and the Speaker of the House of Representatives at~~  
5928   ~~least 60 days prior to the regular legislative session.~~  
5929   ~~Recommendations regarding legislation which has been filed shall~~  
5930   ~~be submitted within 30 days after the commencement of a~~  
5931   ~~legislative session.~~

5932           Section 219. Subsection (5) of section 570.952, Florida  
5933   Statutes, is amended to read:

5934           570.952   Florida Agriculture Center and Horse Park  
5935   Authority.--

5936           ~~(5) The commissioner shall submit information annually to~~  
5937   ~~the Speaker of the House of Representatives and the President of~~  
5938   ~~the Senate reporting the activities of the Florida Agriculture~~  
5939   ~~Center and Horse Park Authority and the progress of the Florida~~  
5940   ~~Agriculture Center and Horse Park, including, but not limited to,~~  
5941   ~~pertinent planning, budgeting, and operational information~~  
5942   ~~concerning the authority.~~

5943           Section 220. Section 603.204, Florida Statutes, is amended  
5944   to read:

5945           603.204   South Florida Tropical Fruit Plan.--

5946           ~~(1) The Commissioner of Agriculture, in consultation with~~  
5947   ~~the Tropical Fruit Advisory Council, shall develop and update, at~~  
5948   ~~least 90 days prior to the 1991 legislative session, submit to~~  
5949   ~~the President of the Senate, the Speaker of the House of~~  
5950   ~~Representatives, and the chairs of appropriate Senate and House~~

BILL

ORIGINAL

YEAR

5951 ~~of Representatives committees,~~ a South Florida Tropical Fruit  
 5952 Plan, which shall identify problems and constraints of the  
 5953 tropical fruit industry, propose possible solutions to such  
 5954 problems, and develop planning mechanisms for orderly growth of  
 5955 the industry, including:

5956       (1)~~(a)~~ Criteria for tropical fruit research, service, and  
 5957 management priorities.

5958       (2)~~(b)~~ ~~Additional~~ Proposed legislation which may be  
 5959 required.

5960       (3)~~(c)~~ Plans relating to other tropical fruit programs and  
 5961 related disciplines in the State University System.

5962       (4)~~(d)~~ Potential tropical fruit products in terms of market  
 5963 and needs for development.

5964       (5)~~(e)~~ Evaluation of production and fresh fruit policy  
 5965 alternatives, including, but not limited to, setting minimum  
 5966 grades and standards, promotion and advertising, development of  
 5967 production and marketing strategies, and setting minimum  
 5968 standards on types and quality of nursery plants.

5969       (6)~~(f)~~ Evaluation of policy alternatives for processed  
 5970 tropical fruit products, including, but not limited to, setting  
 5971 minimum quality standards and development of production and  
 5972 marketing strategies.

5973       (7)~~(g)~~ Research and service priorities for further  
 5974 development of the tropical fruit industry.

5975       (8)~~(h)~~ Identification of state agencies and public and  
 5976 private institutions concerned with research, education,  
 5977 extension, services, planning, promotion, and marketing functions  
 5978 related to tropical fruit development, and delineation of  
 5979 contributions and responsibilities. The recommendations in the



BILL

ORIGINAL

YEAR

5980 ~~South Florida Tropical Fruit~~ plan relating to education or  
5981 research shall be submitted to the Institute of Food and  
5982 Agricultural Sciences. ~~The recommendations relating to regulation~~  
5983 ~~or marketing shall be submitted to the Department of Agriculture~~  
5984 ~~and Consumer Services.~~

5985 (9)(i) Business planning, investment potential, financial  
5986 risks, and economics of production and utilization.

5987 ~~(2) A revision and update of the South Florida Tropical~~  
5988 ~~Fruit Plan shall be submitted biennially, and a progress report~~  
5989 ~~and budget request shall be submitted annually, to the officials~~  
5990 ~~specified in subsection (1).~~

5991 Section 221. Paragraph (d) of subsection (6) of section  
5992 627.351, Florida Statutes, is amended to read:

5993 627.351 Insurance risk apportionment plans.--

5994 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--

5995 (d)1. It is the intent of the Legislature that the rates  
5996 for coverage provided by the corporation be actuarially sound and  
5997 not competitive with approved rates charged in the admitted  
5998 voluntary market, so that the corporation functions as a residual  
5999 market mechanism to provide insurance only when the insurance  
6000 cannot be procured in the voluntary market. Rates shall include  
6001 an appropriate catastrophe loading factor that reflects the  
6002 actual catastrophic exposure of the corporation.

6003 2. For each county, the average rates of the corporation  
6004 for each line of business for personal lines residential policies  
6005 excluding rates for wind-only policies shall be no lower than the  
6006 average rates charged by the insurer that had the highest average  
6007 rate in that county among the 20 insurers with the greatest total  
6008 direct written premium in the state for that line of business in

BILL

ORIGINAL

YEAR

6009 the preceding year, except that with respect to mobile home  
 6010 coverages, the average rates of the corporation shall be no lower  
 6011 than the average rates charged by the insurer that had the  
 6012 highest average rate in that county among the 5 insurers with the  
 6013 greatest total written premium for mobile home owner's policies  
 6014 in the state in the preceding year.

6015       3. Rates for personal lines residential wind-only policies  
 6016 must be actuarially sound and not competitive with approved rates  
 6017 charged by authorized insurers. However, for personal lines  
 6018 residential wind-only policies issued or renewed between July 1,  
 6019 2002, and June 30, 2003, the maximum premium increase must be no  
 6020 greater than 10 percent of the Florida Windstorm Underwriting  
 6021 Association premium for that policy in effect on June 30, 2002,  
 6022 as adjusted for coverage changes and seasonal occupancy  
 6023 surcharges. For personal lines residential wind-only policies  
 6024 issued or renewed between July 1, 2003, and June 30, 2004, the  
 6025 corporation shall use its existing filed and approved wind-only  
 6026 rating and classification plans, provided, however, that the  
 6027 maximum premium increase must be no greater than 20 percent of  
 6028 the premium for that policy in effect on June 30, 2003, as  
 6029 adjusted for coverage changes and seasonal occupancy surcharges.  
 6030 Corporation rate manuals shall include a rate surcharge for  
 6031 seasonal occupancy. ~~To ensure that personal lines residential~~  
 6032 ~~wind-only rates effective on or after July 1, 2004, are not~~  
 6033 ~~competitive with approved rates charged by authorized insurers,~~  
 6034 ~~the corporation, in conjunction with the office, shall develop a~~  
 6035 ~~wind-only ratemaking methodology, which methodology shall be~~  
 6036 ~~contained in a rate filing made by the corporation with the~~  
 6037 ~~office by January 1, 2004. If the office thereafter determines~~

BILL

ORIGINAL

YEAR

~~that the wind only rates or rating factors filed by the corporation fail to comply with the wind only ratemaking methodology provided for in this subsection, it shall so notify the corporation and require the corporation to amend its rates or rating factors to come into compliance within 90 days of notice from the office. The office shall report to the Speaker of the House of Representatives and the President of the Senate on the provisions of the wind only ratemaking methodology by January 31, 2004.~~

4. Rates for commercial lines coverage shall not be subject to the requirements of subparagraph 2., but shall be subject to all other requirements of this paragraph and s. 627.062.

5. Nothing in this paragraph shall require or allow the corporation to adopt a rate that is inadequate under s. 627.062.

6. The corporation shall certify to the office at least twice annually that its personal lines rates comply with the requirements of subparagraphs 1. and 2. If any adjustment in the rates or rating factors of the corporation is necessary to ensure such compliance, the corporation shall make and implement such adjustments and file its revised rates and rating factors with the office. If the office thereafter determines that the revised rates and rating factors fail to comply with the provisions of subparagraphs 1. and 2., it shall notify the corporation and require the corporation to amend its rates or rating factors in conjunction with its next rate filing. The office must notify the corporation by electronic means of any rate filing it approves for any insurer among the insurers referred to in subparagraph 2.

7. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an

BILL

ORIGINAL

YEAR

amount equal to the premium tax provided for in s. 624.509 to augment the financial resources of the corporation.

~~8.a. To assist the corporation in developing additional ratemaking methods to assure compliance with subparagraphs 1. and 4., the corporation shall appoint a rate methodology panel consisting of one person recommended by the Florida Association of Insurance Agents, one person recommended by the Professional Insurance Agents of Florida, one person recommended by the Florida Association of Insurance and Financial Advisors, one person recommended by the insurer with the highest voluntary market share of residential property insurance business in the state, one person recommended by the insurer with the second highest voluntary market share of residential property insurance business in the state, one person recommended by an insurer writing commercial residential property insurance in this state, one person recommended by the Office of Insurance Regulation, and one board member designated by the board chairman, who shall serve as chairman of the panel.~~

~~b. By January 1, 2004, the rate methodology panel shall provide a report to the corporation of its findings and recommendations for the use of additional ratemaking methods and procedures, including the use of a rate equalization surcharge in an amount sufficient to assure that the total cost of coverage for policyholders or applicants to the corporation is sufficient to comply with subparagraph 1.~~

~~c. Within 30 days after such report, the corporation shall present to the President of the Senate, the Speaker of the House of Representatives, the minority party leaders of each house of the Legislature, and the chairs of the standing committees of~~

BILL

ORIGINAL

YEAR

6096 ~~each house of the Legislature having jurisdiction of insurance~~  
6097 ~~issues, a plan for implementing the additional ratemaking methods~~  
6098 ~~and an outline of any legislation needed to facilitate use of the~~  
6099 ~~new methods.~~

6100 ~~d. The plan must include a provision that producer~~  
6101 ~~commissions paid by the corporation shall not be calculated in~~  
6102 ~~such a manner as to include any rate equalization surcharge.~~  
6103 ~~However, without regard to the plan to be developed or its~~  
6104 ~~implementation, producer commissions paid by the corporation for~~  
6105 ~~each account, other than the quota share primary program, shall~~  
6106 ~~remain fixed as to percentage, effective rate, calculation, and~~  
6107 ~~payment method until January 1, 2004.~~

6108 8.9. By January 1, 2004, the corporation shall develop a  
6109 notice to policyholders or applicants that the rates of Citizens  
6110 Property Insurance Corporation are intended to be higher than the  
6111 rates of any admitted carrier and providing other information the  
6112 corporation deems necessary to assist consumers in finding other  
6113 voluntary admitted insurers willing to insure their property.

6114 Section 222. Subsection (6) of section 627.64872, Florida  
6115 Statutes, is amended to read:

6116 627.64872 Florida Health Insurance Plan.--

6117 (6) ~~INTERIM REPORT,~~ ANNUAL REPORT.--

6118 ~~(a) By no later than December 1, 2004, the board shall~~  
6119 ~~report to the Governor, the President of the Senate, and the~~  
6120 ~~Speaker of the House of Representatives the results of an~~  
6121 ~~actuarial study conducted by the board to determine, including,~~  
6122 ~~but not limited to:~~

6123 1. ~~The impact the creation of the plan will have on the~~  
6124 ~~small group insurance market and the individual market on~~

BILL

ORIGINAL

YEAR

6125 ~~premiums paid by insureds. This shall include an estimate of the~~  
6126 ~~total anticipated aggregate savings for all small employers in~~  
6127 ~~the state.~~

6128       ~~2. The number of individuals the pool could reasonably~~  
6129 ~~cover at various funding levels, specifically, the number of~~  
6130 ~~people the pool may cover at each of those funding levels.~~

6131       ~~3. A recommendation as to the best source of funding for~~  
6132 ~~the anticipated deficits of the pool.~~

6133       ~~4. The effect on the individual and small group market by~~  
6134 ~~including in the Florida Health Insurance Plan persons eligible~~  
6135 ~~for coverage under s. 627.6487, as well as the cost of including~~  
6136 ~~these individuals.~~

6137  
6138 ~~The board shall take no action to implement the Florida Health~~  
6139 ~~Insurance Plan, other than the completion of the actuarial study~~  
6140 ~~authorized in this paragraph, until funds are appropriated for~~  
6141 ~~startup cost and any projected deficits.~~

6142       ~~(b)~~ No later than December 1, 2005, and annually  
6143 thereafter, the board shall submit to the Governor, the President  
6144 of the Senate, the Speaker of the House of Representatives, and  
6145 the substantive legislative committees of the Legislature a  
6146 report which includes an independent actuarial study to  
6147 determine, including, but not be limited to:

6148       (a)~~1.~~ The impact the creation of the plan has on the small  
6149 group and individual insurance market, specifically on the  
6150 premiums paid by insureds. This shall include an estimate of the  
6151 total anticipated aggregate savings for all small employers in  
6152 the state.

BILL

ORIGINAL

YEAR

6153        (b)2- The actual number of individuals covered at the  
6154        current funding and benefit level, the projected number of  
6155        individuals that may seek coverage in the forthcoming fiscal  
6156        year, and the projected funding needed to cover anticipated  
6157        increase or decrease in plan participation.

6158        (c)3- A recommendation as to the best source of funding for  
6159        the anticipated deficits of the pool.

6160        (d)4- A summarization of the activities of the plan in the  
6161        preceding calendar year, including the net written and earned  
6162        premiums, plan enrollment, the expense of administration, and the  
6163        paid and incurred losses.

6164        (e)5- A review of the operation of the plan as to whether  
6165        the plan has met the intent of this section.

6166  
6167        The board shall take no action to implement the Florida Health  
6168        Insurance Plan, other than the completion of the actuarial study  
6169        authorized in this subsection, until funds are appropriated for  
6170        startup costs and any projected deficits.

6171        Section 223. Subsection (2) of section 744.7021, Florida  
6172        Statutes, is amended to read:

6173        744.7021    Statewide Public Guardianship Office.--There is  
6174        hereby created the Statewide Public Guardianship Office within  
6175        the Department of Elderly Affairs.

6176        (2)    The executive director shall, within available  
6177        resources, have oversight responsibilities for all public  
6178        guardians.

6179        (a)    The executive director shall review the current public  
6180        guardian programs in Florida and other states.

BILL

ORIGINAL

YEAR

6181 (b) The executive director, in consultation with local  
6182 guardianship offices, shall develop statewide performance  
6183 measures and standards.

6184 (c) The executive director shall review the various methods  
6185 of funding guardianship programs, the kinds of services being  
6186 provided by such programs, and the demographics of the wards. In  
6187 addition, the executive director shall review and make  
6188 recommendations regarding the feasibility of recovering a portion  
6189 or all of the costs of providing public guardianship services  
6190 from the assets or income of the wards.

6191 ~~(d) By January 1, 2004, and by January 1 of each year~~  
6192 ~~thereafter, the executive director shall provide a status report~~  
6193 ~~and provide further recommendations to the secretary that address~~  
6194 ~~the need for public guardianship services and related issues.~~

6195 (d) ~~(e)~~ The executive director may provide assistance to  
6196 local governments or entities in pursuing grant opportunities.  
6197 The executive director shall evaluate ~~review~~ and make  
6198 recommendations ~~in the annual report~~ on the availability and  
6199 efficacy of seeking Medicaid matching funds. The executive  
6200 director shall diligently seek ways to use existing programs and  
6201 services to meet the needs of public wards.

6202 (e) ~~(f)~~ The executive director, in consultation with the  
6203 Florida Guardianship Foundation, shall develop a guardianship  
6204 training program curriculum that may be offered to all guardians  
6205 whether public or private.

6206 (f) The executive director shall provide an annual status  
6207 report to the secretary that includes policy and legislative  
6208 recommendations relating to the provision of public guardianship.



BILL

ORIGINAL

YEAR

6209           Section 224. Subsections (5) and (7) of section 744.708,  
6210 Florida Statutes, are amended to read:  
6211           744.708 Reports and standards.--  
6212           (5) An independent audit of each public guardian office ~~by~~  
6213 ~~a qualified certified public accountant~~ shall be conducted by a  
6214 qualified certified public accountant ~~performed~~ at least every 2  
6215 years. The audit should include an investigation into the  
6216 practices of the office for managing the person and property of  
6217 the wards. A copy of the report shall be submitted to the  
6218 Statewide Public Guardianship Office. ~~In addition, the office of~~  
6219 ~~public guardian shall be subject to audits or examinations by the~~  
6220 ~~Auditor General and the Office of Program Policy Analysis and~~  
6221 ~~Government Accountability pursuant to law.~~  
6222           (7) The ratio for professional staff to wards shall be 1  
6223 professional to 40 wards. The Statewide Public Guardianship  
6224 Office may increase or decrease the ratio after consultation with  
6225 the local public guardian and the chief judge of the circuit  
6226 court. ~~The basis of the decision to increase or decrease the~~  
6227 ~~prescribed ratio shall be reported in the annual report to the~~  
6228 ~~Governor, the President of the Senate, the Speaker of the House~~  
6229 ~~of Representatives, and the Chief Justice of the Supreme Court.~~  
6230           Section 225. Subsection (3) of section 765.5215, Florida  
6231 Statutes, is amended to read:  
6232           765.5215 Education program relating to anatomical  
6233 gifts.--The Agency for Health Care Administration, subject to the  
6234 concurrence of the Department of Highway Safety and Motor  
6235 Vehicles, shall develop a continuing program to educate and  
6236 inform medical professionals, law enforcement agencies and  
6237 officers, high school children, state and local government

BILL

ORIGINAL

YEAR

employees, and the public regarding the laws of this state relating to anatomical gifts and the need for anatomical gifts.

~~(3) The Agency for Health Care Administration shall, no later than March 1 of each year, submit a report to the Legislature containing statistical data on the effectiveness of the program in procuring donor organs and the effect of the program on state spending for health care.~~

Section 226. Subsection (6) of section 768.295, Florida Statutes, is amended to read:

768.295 Strategic Lawsuits Against Public Participation (SLAPP) suits by governmental entities prohibited.--

(6) In any case filed by a governmental entity which is found by a court to be in violation of this section, the governmental entity shall report such finding and provide a copy of the court's order to the Attorney General no later than 30 days after such order is final. The Attorney General shall maintain a record of such court orders ~~report any violation of this section by a governmental entity to the Cabinet, the President of the Senate, and the Speaker of the House of Representatives. A copy of such report shall be provided to the affected governmental entity.~~

Section 227. Paragraphs (a) and (c) of subsection (3) of section 775.084, Florida Statutes, are amended to read:

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; three-time violent felony offenders; definitions; procedure; enhanced penalties or mandatory minimum prison terms.--

BILL

ORIGINAL

YEAR

6265           (3) (a) In a separate proceeding, the court shall determine  
6266 if the defendant is a habitual felony offender or a habitual  
6267 violent felony offender. The procedure shall be as follows:

6268           1. The court shall obtain and consider a presentence  
6269 investigation prior to the imposition of a sentence as a habitual  
6270 felony offender or a habitual violent felony offender.

6271           2. Written notice shall be served on the defendant and the  
6272 defendant's attorney a sufficient time prior to the entry of a  
6273 plea or prior to the imposition of sentence in order to allow the  
6274 preparation of a submission on behalf of the defendant.

6275           3. Except as provided in subparagraph 1., all evidence  
6276 presented shall be presented in open court with full rights of  
6277 confrontation, cross-examination, and representation by counsel.

6278           4. Each of the findings required as the basis for such  
6279 sentence shall be found to exist by a preponderance of the  
6280 evidence and shall be appealable to the extent normally  
6281 applicable to similar findings.

6282           5. For the purpose of identification of a habitual felony  
6283 offender or a habitual violent felony offender, the court shall  
6284 fingerprint the defendant pursuant to s. 921.241.

6285           6. For an offense committed on or after October 1, 1995, if  
6286 the state attorney pursues a habitual felony offender sanction or  
6287 a habitual violent felony offender sanction against the defendant  
6288 and the court, in a separate proceeding pursuant to this  
6289 paragraph, determines that the defendant meets the criteria under  
6290 subsection (1) for imposing such sanction, the court must  
6291 sentence the defendant as a habitual felony offender or a  
6292 habitual violent felony offender, subject to imprisonment  
6293 pursuant to this section unless the court finds that such

BILL

ORIGINAL

YEAR

6294 sentence is not necessary for the protection of the public. If  
6295 the court finds that it is not necessary for the protection of  
6296 the public to sentence the defendant as a habitual felony  
6297 offender or a habitual violent felony offender, the court shall  
6298 provide written reasons; a written transcript of orally stated  
6299 reasons is permissible, if filed by the court within 7 days after  
6300 the date of sentencing. ~~Each month, the court shall submit to the~~  
6301 ~~Office of Economic and Demographic Research of the Legislature~~  
6302 ~~the written reasons or transcripts in each case in which the~~  
6303 ~~court determines not to sentence a defendant as a habitual felony~~  
6304 ~~offender or a habitual violent felony offender as provided in~~  
6305 ~~this subparagraph.~~

6306 (c) In a separate proceeding, the court shall determine  
6307 whether the defendant is a violent career criminal with respect  
6308 to a primary offense committed on or after October 1, 1995. The  
6309 procedure shall be as follows:

6310 1. Written notice shall be served on the defendant and the  
6311 defendant's attorney a sufficient time prior to the entry of a  
6312 plea or prior to the imposition of sentence in order to allow the  
6313 preparation of a submission on behalf of the defendant.

6314 2. All evidence presented shall be presented in open court  
6315 with full rights of confrontation, cross-examination, and  
6316 representation by counsel.

6317 3. Each of the findings required as the basis for such  
6318 sentence shall be found to exist by a preponderance of the  
6319 evidence and shall be appealable only as provided in paragraph  
6320 (d).

6321 4. For the purpose of identification, the court shall  
6322 fingerprint the defendant pursuant to s. 921.241.

BILL

ORIGINAL

YEAR

5. For an offense committed on or after October 1, 1995, if the state attorney pursues a violent career criminal sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction, the court must sentence the defendant as a violent career criminal, subject to imprisonment pursuant to this section unless the court finds that such sentence is not necessary for the protection of the public. If the court finds that it is not necessary for the protection of the public to sentence the defendant as a violent career criminal, the court shall provide written reasons; a written transcript of orally stated reasons is permissible, if filed by the court within 7 days after the date of sentencing. ~~Each month, the court shall submit to the Office of Economic and Demographic Research of the Legislature the written reasons or transcripts in each case in which the court determines not to sentence a defendant as a violent career criminal as provided in this subparagraph.~~

Section 228. Subsection (8) of section 790.22, Florida Statutes, is amended to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.--

(8) Notwithstanding s. 985.213 or s. 985.215(1), if a minor under 18 years of age is charged with an offense that involves the use or possession of a firearm, as defined in s. 790.001, including a violation of subsection (3), or is charged for any offense during the commission of which the minor possessed a firearm, the minor shall be detained in secure detention, unless

BILL

ORIGINAL

YEAR

6352 the state attorney authorizes the release of the minor, and shall  
 6353 be given a hearing within 24 hours after being taken into  
 6354 custody. At the hearing, the court may order that the minor  
 6355 continue to be held in secure detention in accordance with the  
 6356 applicable time periods specified in s. 985.215(5), if the court  
 6357 finds that the minor meets the criteria specified in s.  
 6358 985.215(2), or if the court finds by clear and convincing  
 6359 evidence that the minor is a clear and present danger to himself  
 6360 or herself or the community. The Department of Juvenile Justice  
 6361 shall prepare a form for all minors charged under this subsection  
 6362 that states the period of detention and the relevant demographic  
 6363 information, including, but not limited to, the sex, age, and  
 6364 race of the minor; whether or not the minor was represented by  
 6365 private counsel or a public defender; the current offense; and  
 6366 the minor's complete prior record, including any pending cases.  
 6367 The form shall be provided to the judge to be considered when  
 6368 determining whether the minor should be continued in secure  
 6369 detention under this subsection. An order placing a minor in  
 6370 secure detention because the minor is a clear and present danger  
 6371 to himself or herself or the community must be in writing, must  
 6372 specify the need for detention and the benefits derived by the  
 6373 minor or the community by placing the minor in secure detention,  
 6374 and must include a copy of the form provided by the department.  
 6375 ~~The Department of Juvenile Justice must send the form, including~~  
 6376 ~~a copy of any order, without client identifying information, to~~  
 6377 ~~the Office of Economic and Demographic Research.~~

6378       Section 229. Paragraph (b) of subsection (9) of section  
 6379 932.7055, Florida Statutes, is amended to read:

6380       932.7055   Disposition of liens and forfeited property.--

BILL

ORIGINAL

YEAR

6381           (9)  
 6382           ~~(b) The Department of Law Enforcement shall submit an~~  
 6383 ~~annual report to the criminal justice committees of the House of~~  
 6384 ~~Representatives and of the Senate compiling the information and~~  
 6385 ~~data related in the semiannual reports submitted by the law~~  
 6386 ~~enforcement agencies. The annual report shall also contain a list~~  
 6387 ~~of law enforcement agencies which have failed to meet the~~  
 6388 ~~reporting requirements and a summary of any action which has been~~  
 6389 ~~taken against the noncomplying agency by the Office of the Chief~~  
 6390 ~~Financial Officer.~~

6391           Section 230. Subsection (3) of section 943.08, Florida  
 6392 Statutes, is amended to read:

6393           943.08 Duties; Criminal and Juvenile Justice Information  
 6394 Systems Council.--

6395           ~~(3) The council shall develop and approve a strategic plan~~  
 6396 ~~pursuant to the requirements set forth in s. 186.022. Copies of~~  
 6397 ~~the approved plan shall be transmitted, electronically or in~~  
 6398 ~~writing, to the Executive Office of the Governor, the Speaker of~~  
 6399 ~~the House of Representatives, the President of the Senate, and~~  
 6400 ~~the council members.~~

6401           Section 231. Subsection (2) of section 943.125, Florida  
 6402 Statutes, is amended to read:

6403           943.125 Law enforcement agency accreditation.--

6404           ~~(2) FEASIBILITY AND STATUS REPORT. The Florida Sheriffs~~  
 6405 ~~Association and the Florida Police Chiefs Association, either~~  
 6406 ~~jointly or separately, shall report to the Speaker of the House~~  
 6407 ~~of Representatives and the President of the Senate regarding the~~  
 6408 ~~feasibility of a law enforcement agency accreditation program and~~  
 6409 ~~the status of the efforts of the Florida Sheriffs Association and~~

BILL

ORIGINAL

YEAR

6410 ~~the Florida Police Chiefs Association to develop a law~~  
6411 ~~enforcement agency accreditation program as provided in this~~  
6412 ~~section.~~

6413       Section 232. Subsection (9) of section 943.68, Florida  
6414 Statutes, is amended to read:

6415       943.68 Transportation and protective services.--

6416       (9) The department shall submit reports annually on July 15  
6417 ~~and January 15 of each year~~ to the ~~President of the Senate,~~  
6418 ~~Speaker of the House of Representatives,~~ Governor, Legislature,  
6419 ~~and members of the Cabinet,~~ detailing all transportation and  
6420 protective services provided under subsections (1), (5), and (6)  
6421 within the preceding fiscal year ~~6 months~~. Each report shall  
6422 include a detailed accounting of the cost of such transportation  
6423 and protective services, including the names of persons provided  
6424 such services and the nature of state business performed.

6425       Section 233. Section 944.023, Florida Statutes, is amended  
6426 to read:

6427       944.023 Definitions; capacity factors ~~Comprehensive~~  
6428 ~~correctional master plan.~~--

6429       (1) As used in this section and s. 944.0231, the term:

6430       (a) "Criminal Justice Estimating Conference" means the  
6431 Criminal Justice Estimating Conference referred to in s.  
6432 216.136~~(5)~~.

6433       (b) "Total capacity" of the state correctional system means  
6434 the total design capacity of all institutions and facilities in  
6435 the state correctional system, which may include those facilities  
6436 authorized and funded under chapter 957, increased by one-half,  
6437 with the following exceptions:



BILL

ORIGINAL

YEAR

6438           1. Medical and mental health beds must remain at design  
6439 capacity.  
6440           2. Community-based contracted beds must remain at design  
6441 capacity.  
6442           3. The one-inmate-per-cell requirement at Florida State  
6443 Prison and other maximum security facilities must be maintained  
6444 pursuant to paragraph (3) ~~(7)~~ (a).  
6445           4. Community correctional centers and drug treatment  
6446 centers must be increased by one-third.  
6447           5. A housing unit may not exceed its maximum capacity  
6448 pursuant to paragraphs (3) ~~(7)~~ (a) and (b).  
6449           6. A number of beds equal to 5 percent of total capacity  
6450 shall be deducted for management beds at institutions.  
6451           (c) "State correctional system" means the correctional  
6452 system as defined in s. 944.02.  
6453           ~~(2) The department shall develop a comprehensive~~  
6454 ~~correctional master plan. The master plan shall project the needs~~  
6455 ~~for the state correctional system for the coming 5 year period~~  
6456 ~~and shall be updated annually and submitted to the Governor's~~  
6457 ~~office and the Legislature at the same time the department~~  
6458 ~~submits its legislative budget request as provided in chapter~~  
6459 ~~216.~~  
6460           ~~(3) The purposes of the comprehensive correctional master~~  
6461 ~~plan shall be:~~  
6462           ~~(a) To ensure that the penalties of the criminal justice~~  
6463 ~~system are completely and effectively administered to the~~  
6464 ~~convicted criminals and, to the maximum extent possible, that the~~  
6465 ~~criminal is provided opportunities for self improvement and~~  
6466 ~~returned to freedom as a productive member of society.~~

BILL

ORIGINAL

YEAR

~~(b) To the extent possible, to protect the public safety and the law-abiding citizens of this state and to carry out the laws protecting the rights of the victims of convicted criminals.~~

~~(c) To develop and maintain a humane system of punishment providing prison inmates with proper housing, nourishment, and medical attention.~~

~~(d) To provide fair and adequate compensation and benefits to the employees of the state correctional system.~~

~~(e) To the extent possible, to maximize the effective and efficient use of the principles used in private business.~~

~~(f) To provide that convicted criminals not be incarcerated for any longer period of time or in any more secure facility than is necessary to ensure adequate sanctions, rehabilitation of offenders, and protection of public safety.~~

~~(4) The comprehensive correctional master plan shall use the estimates of the Criminal Justice Estimating Conference and shall include:~~

~~(a) A plan for the decentralization of reception and classification facilities for the implementation of a systemwide diagnosis and evaluation capability for adult offenders. The plan shall provide for a system of psychological testing and evaluation as well as medical screening through department resources or with other public or private agencies through a purchase of services agreement.~~

~~(b) A plan developed by the department for the comprehensive vocational and educational training of, and treatment programs for, offenders and their evaluation within each institution, program, or facility of the department, based~~

BILL

ORIGINAL

YEAR

6495    ~~upon the identified needs of the offender and the requirements of~~  
6496    ~~the employment market.~~

6497        ~~(c) A plan contracting with local facilities and programs~~  
6498    ~~as short term confinement resources of the department for~~  
6499    ~~offenders who are sentenced to 3 years or less, or who are within~~  
6500    ~~3 years or less of their anticipated release date, and~~  
6501    ~~integration of detention services which have community based~~  
6502    ~~programs. The plan shall designate such facilities and programs~~  
6503    ~~by region of the state and identify, by county, the capability~~  
6504    ~~for local incarceration.~~

6505        ~~(d) A detailed analysis of methods to implement diversified~~  
6506    ~~alternatives to institutionalization when such alternatives can~~  
6507    ~~be safely employed. The analysis shall include an assessment of~~  
6508    ~~current pretrial intervention, probation, and community control~~  
6509    ~~alternatives and their cost effectiveness with regard to~~  
6510    ~~restitution to victims, reimbursements for cost of supervision,~~  
6511    ~~and subsequent violations resulting in commitments to the~~  
6512    ~~department. Such analysis shall also include an assessment of~~  
6513    ~~current use of electronic surveillance of offenders and projected~~  
6514    ~~potential for diverting additional categories of offenders from~~  
6515    ~~incarceration within the department.~~

6516        ~~(e) A detailed analysis of current incarceration rates of~~  
6517    ~~both the state and county correctional systems with the~~  
6518    ~~calculation by the department of the current and projected ratios~~  
6519    ~~of inmates in the correctional system, as defined in s. 945.01,~~  
6520    ~~to the general population of the state which will serve as a~~  
6521    ~~basis for projecting construction needs.~~

6522        ~~(f) A plan for community based facilities and programs for~~  
6523    ~~the reintegration of offenders into society whereby inmates who~~

BILL

ORIGINAL

YEAR

6524 are being released shall receive assistance. Such assistance may  
6525 be through work release, transition assistance, release  
6526 assistance stipend, contract release, postrelease special  
6527 services, temporary housing, or job placement programs.

6528 ~~(g) A plan reflecting parity of pay or comparable economic~~  
6529 ~~benefits for correctional officers with that of law enforcement~~  
6530 ~~officers in this state, and an assessment of projected impacts on~~  
6531 ~~turnover rates within the department.~~

6532 ~~(h) A plan containing habitability criteria which defines~~  
6533 ~~when beds are available and functional for use by inmates, and~~  
6534 ~~containing factors which define when institutions and facilities~~  
6535 ~~may be added to the inventory of the state correctional system.~~

6536 ~~(5) The comprehensive correctional master plan shall~~  
6537 ~~project by year the total operating and capital outlay costs~~  
6538 ~~necessary for constructing a sufficient number of prison beds to~~  
6539 ~~avoid a deficiency in prison beds. Included in the master plan~~  
6540 ~~which projects operating and capital outlay costs shall be a~~  
6541 ~~siting plan which shall assess, rank, and designate appropriate~~  
6542 ~~sites pursuant to s. 944.095(2)(a)-(k). The master plan shall~~  
6543 ~~include an assessment of the department's current capability for~~  
6544 ~~providing the degree of security necessary to ensure public~~  
6545 ~~safety and should reflect the levels of security needed for the~~  
6546 ~~forecasted admissions of various types of offenders based upon~~  
6547 ~~sentence lengths and severity of offenses. The plan shall also~~  
6548 ~~provide construction options for targeting violent and habitual~~  
6549 ~~offenders for incarceration while providing specific alternatives~~  
6550 ~~for the various categories of lesser offenders.~~

6551 (2)(6) Institutions within the state correctional system  
6552 shall have the following design capacity factors:

BILL

ORIGINAL

YEAR

6553           (a) Rooms and prison cells between 40 square feet and 90  
6554 square feet, inclusive: one inmate per room or prison cell.

6555           (b) Dormitory-style rooms and other rooms exceeding 90  
6556 square feet: one inmate per 55 square feet.

6557           (c) At institutions with rooms or cells, except to the  
6558 extent that separate confinement cells have been constructed, a  
6559 number of rooms or prison cells equal to 3 percent of total  
6560 design capacity must be deducted from design capacity and set  
6561 aside for confinement purposes.

6562           (d) Bed count calculations used to determine design  
6563 capacity shall only include beds which are functional and  
6564 available for use by inmates.

6565           (3)~~(7)~~ Institutions within the state correctional system  
6566 shall have the following maximum capacity factors:

6567           (a) Rooms and prison cells between 40 square feet and 60  
6568 square feet, inclusive: one inmate per room or cell. If the room  
6569 or prison cell is between 60 square feet and 90 square feet,  
6570 inclusive, two inmates are allowed in each room, except that one  
6571 inmate per room or prison cell is allowed at Florida State Prison  
6572 or any other maximum security institution or facility which may  
6573 be constructed.

6574           (b) Dormitory-style rooms and other rooms exceeding 90  
6575 square feet: one inmate per 37.5 square feet. Double-bunking is  
6576 generally allowed only along the outer walls of a dormitory.

6577           (c) At institutions with rooms or cells, except to the  
6578 extent that separate confinement cells have been constructed, a  
6579 number of rooms or prison cells equal to 3 percent of total  
6580 maximum capacity are not available for maximum capacity, and must  
6581 be set aside for confinement purposes, thereby reducing maximum

BILL

ORIGINAL

YEAR

6582 capacity by 6 percent since these rooms would otherwise house two  
6583 inmates.

6584 (d) A number of beds equal to 5 percent of total maximum  
6585 capacity must be deducted for management at institutions.

6586 Section 234. Paragraph (f) of subsection (3) of section  
6587 944.801, Florida Statutes, is amended to read:

6588 944.801 Education for state prisoners.--

6589 (3) The responsibilities of the Correctional Education  
6590 Program shall be to:

6591 (f) Report annual activities to the Secretary of  
6592 Corrections, ~~the Commissioner of Education, the Governor, and the~~  
6593 ~~Legislature.~~

6594 Section 235. Subsection (10) of section 945.35, Florida  
6595 Statutes, is amended to read:

6596 945.35 Requirement for education on human immunodeficiency  
6597 virus, acquired immune deficiency syndrome, and other  
6598 communicable diseases.--

6599 ~~(10) The department shall report to the Legislature by~~  
6600 ~~March 1 each year as to the implementation of this program and~~  
6601 ~~the participation by inmates and staff.~~

6602 Section 236. Paragraph (d) of subsection (8) of section  
6603 948.10, Florida Statutes, is amended to read:

6604 948.10 Community control programs.--

6605 (8) If an offender is sentenced to community control by the  
6606 court and the offender is ineligible to be placed on community  
6607 control as provided in subsection (2), the department shall:

6608 ~~(d) Provide an annual report to the Governor, the President~~  
6609 ~~of the Senate, the Speaker of the House of Representatives, and~~  
6610 ~~the Chief Justice of the Supreme Court on the placement of~~

BILL

ORIGINAL

YEAR

6611 ~~ineligible offenders on community control in order to assist in~~  
6612 ~~preparing judicial education programs or for any other purpose.~~

6613       Section 237. Subsection (9) of section 958.045, Florida  
6614 Statutes, is amended to read:

6615           958.045 Youthful offender basic training program.--

6616       ~~(9) Upon commencement of the community residential program,~~  
6617 ~~the department shall submit annual reports to the Governor, the~~  
6618 ~~President of the Senate, and the Speaker of the House of~~  
6619 ~~Representatives detailing the extent of implementation of the~~  
6620 ~~basic training program and the community residential program, and~~  
6621 ~~outlining future goals and any recommendation the department has~~  
6622 ~~for future legislative action.~~

6623       Section 238. Paragraph (c) of subsection (1) of section  
6624 960.045, Florida Statutes, is amended to read:

6625           960.045 Department of Legal Affairs; powers and duties.--It  
6626 shall be the duty of the department to assist persons who are  
6627 victims of crime.

6628       (1) The department shall:

6629       (c) Prepare an annual ~~Render, prior to January 1 of each~~  
6630 ~~year, to the presiding officers of the Senate and House of~~  
6631 ~~Representatives a written report of the activities of the Crime~~  
6632 ~~Victims' Services Office that shall be available on the~~  
6633 ~~department's website.~~

6634       Section 239. Paragraph (c) of subsection (8) of section  
6635 985.02, Florida Statutes, is amended to read

6636           985.02 Legislative intent for the juvenile justice  
6637 system.--

6638       (8) GENDER-SPECIFIC PROGRAMMING.--

BILL

ORIGINAL

YEAR

~~(c) The Office of Program Policy Analysis and Government Accountability shall conduct an analysis of programs for young females within the Department of Juvenile Justice. The analysis shall address the nature of young female offenders in this state, the percentage of young females who are incarcerated in the juvenile justice system for status offenses and violations of probation, and whether these young females could be better served in less costly community-based programs. In addition, the review shall analyze whether existing juvenile justice programs are designed to meet the gender specific needs of young females and an analysis of the true cost of providing gender-specific services to young females.~~

Section 240. Subsections (3), (4), and (5) of section 985.08, Florida Statutes, are amended to read:

985.08 Information systems.--

~~(3) In order to assist in the integration of the information to be shared, the sharing of information obtained, the joint planning on diversion and early intervention strategies for juveniles at risk of becoming serious habitual juvenile offenders, and the intervention strategies for serious habitual juvenile offenders, a multiagency task force should be organized and utilized by the law enforcement agency or county in conjunction with the initiation of the information system described in subsections (1) and (2). The multiagency task force shall be composed of representatives of those agencies and persons providing information for the central identification file and the multiagency information sheet.~~

~~(4) This multiagency task force shall develop a plan for the information system that includes measures which identify and~~



BILL

ORIGINAL

YEAR

6668 ~~address any disproportionate representation of ethnic or racial~~  
6669 ~~minorities in the information systems and shall develop~~  
6670 ~~strategies that address the protection of individual~~  
6671 ~~constitutional rights.~~

6672       (3)~~(5)~~ Any law enforcement agency, or county that ~~which~~  
6673 implements a juvenile offender information system ~~and the~~  
6674 ~~multiagency task force which maintain the information system~~ must  
6675 annually provide any information gathered during the previous  
6676 year to the delinquency and gang prevention council of the  
6677 judicial circuit in which the county is located. This information  
6678 shall include the number, types, and patterns of delinquency  
6679 tracked by the juvenile offender information system.

6680       Section 241. Subsections (2) and (3) of section 985.3045,  
6681 Florida Statutes, are amended to read:

6682       985.3045 Prevention service program; monitoring; report;  
6683 uniform performance measures.--

6684       ~~(2) No later than January 31, 2001, the prevention service~~  
6685 ~~program shall submit a report to the Governor, the Speaker of the~~  
6686 ~~House, and the President of the Senate concerning the~~  
6687 ~~implementation of a statewide multiagency plan to coordinate the~~  
6688 ~~efforts of all state funded programs, grants, appropriations, or~~  
6689 ~~activities that are designed to prevent juvenile crime,~~  
6690 ~~delinquency, gang membership, or status offense behaviors and all~~  
6691 ~~state funded programs, grants, appropriations, or activities that~~  
6692 ~~are designed to prevent a child from becoming a "child in need of~~  
6693 ~~services," as defined in chapter 984. The report shall include a~~  
6694 ~~proposal for a statewide coordinated multiagency juvenile~~  
6695 ~~delinquency prevention policy. In preparing the report, the~~  
6696 ~~department shall coordinate with and receive input from each~~

BILL

ORIGINAL

YEAR

6697 ~~state agency or entity that receives or uses state appropriations~~  
 6698 ~~to fund programs, grants, appropriations, or activities that are~~  
 6699 ~~designed to prevent juvenile crime, delinquency, gang membership,~~  
 6700 ~~status offense, or that are designed to prevent a child from~~  
 6701 ~~becoming a "child in need of services," as defined in chapter~~  
 6702 ~~984. The report shall identify whether legislation will be needed~~  
 6703 ~~to effect a statewide plan to coordinate the efforts of all~~  
 6704 ~~state-funded programs, grants, appropriations, or activities that~~  
 6705 ~~are designed to prevent juvenile crime, delinquency, gang~~  
 6706 ~~membership, or status offense behaviors and all state funded~~  
 6707 ~~programs, grants, appropriations, or activities that are designed~~  
 6708 ~~to prevent a child from becoming a "child in need of services,"~~  
 6709 ~~as defined in chapter 984. The report shall consider the~~  
 6710 ~~potential impact of requiring such state-funded efforts to target~~  
 6711 ~~at least one of the following strategies designed to prevent~~  
 6712 ~~youth from entering or reentering the juvenile justice system and~~  
 6713 ~~track the associated outcome data.~~

6714       ~~(a) Encouraging youth to attend school, which may include~~  
 6715 ~~special assistance and tutoring to address deficiencies in~~  
 6716 ~~academic performance; outcome data to reveal the number of days~~  
 6717 ~~youth attended school while participating in the program.~~

6718       ~~(b) Engaging youth in productive and wholesome activities~~  
 6719 ~~during nonschool hours that build positive character or instill~~  
 6720 ~~positive values, or that enhance educational experiences; outcome~~  
 6721 ~~data to reveal the number of youth who are arrested during~~  
 6722 ~~nonschool hours while participating in the program.~~

6723       ~~(c) Encouraging youth to avoid the use of violence; outcome~~  
 6724 ~~data to reveal the number of youth who are arrested for crimes~~  
 6725 ~~involving violence while participating in the program.~~

BILL

ORIGINAL

YEAR

~~(d) Assisting youth to acquire skills needed to find meaningful employment, which may include assistance in finding a suitable employer for the youth; outcome data to reveal the number of youth who obtain and maintain employment for at least 180 days.~~

~~The department is encouraged to identify additional strategies which may be relevant to preventing youth from becoming children in need of services and to preventing juvenile crime, delinquency, gang membership and status offense behaviors. The report shall consider the feasibility of developing uniform performance measures and methodology for collecting such outcome data to be utilized by all state funded programs, grants, appropriations, or activities that are designed to prevent juvenile crime, delinquency, gang membership, or status offense behaviors and all state funded programs, grants, appropriations, or activities that are designed to prevent a child from becoming a "child in need of services," as defined in chapter 984. The prevention service program is encouraged to identify other issues that may be of critical importance to preventing a child from becoming a child in need of services, as defined in chapter 984, or to preventing juvenile crime, delinquency, gang membership, or status offense behaviors.~~

~~(2)(3)~~ The department shall expend funds related to the prevention of juvenile delinquency in a manner consistent with the policies expressed in ss. 984.02 and 985.02. The department shall expend said funds in a manner that maximizes public accountability and ensures the documentation of outcomes.

BILL

ORIGINAL

YEAR

6754           (a) All entities that receive or use state moneys to fund  
6755 juvenile delinquency prevention services through contracts or  
6756 grants with the department shall design the programs providing  
6757 such services to further one or more of the following strategies:  
6758 ~~specified in paragraphs (2)(a)-(d).~~

6759           1. Encouraging youth to attend school, which may include  
6760 special assistance and tutoring to address deficiencies in  
6761 academic performance and collecting outcome data to reveal the  
6762 number of days youth attended school while participating in the  
6763 program.

6764           2. Engaging youth in productive and wholesome activities  
6765 during nonschool hours that build positive character or instill  
6766 positive values or that enhance educational experiences and  
6767 collecting outcome data to reveal the number of youths who are  
6768 arrested during nonschool hours while participating in the  
6769 program.

6770           3. Encouraging youth to avoid the use of violence and  
6771 collecting outcome data to reveal the number of youths who are  
6772 arrested for crimes involving violence while participating in the  
6773 program.

6774           4. Assisting youth to acquire skills needed to find  
6775 meaningful employment, which may include assistance in finding a  
6776 suitable employer for the youth and collecting outcome data to  
6777 reveal the number of youths who obtain and maintain employment  
6778 for at least 180 days.

6779           (b) The department shall develop an outcome measure for  
6780 each program strategy specified in paragraph (a) ~~paragraphs~~  
6781 ~~(2)(a)-(d)~~ that logically relates to the risk factor addressed by  
6782 the strategy.

BILL

ORIGINAL

YEAR

(c) All entities that receive or use state moneys to fund the juvenile delinquency prevention services through contracts or grants with the department shall, as a condition of receipt of state funds, provide the department with personal demographic information concerning all participants in the service sufficient to allow the department to verify criminal or delinquent history information, school attendance or academic information, employment information, or other requested performance information.

Section 242. Section 985.3046, Florida Statutes, is repealed.

Section 243. Subsection (5) of section 985.305, Florida Statutes, is amended to read:

985.305 Early delinquency intervention program; criteria.--

~~(5) Not later than 18 months after the initiation of an early delinquency intervention program, the department shall prepare and submit a progress report to the chairs of the appropriate House and Senate fiscal committees and the appropriate House and Senate substantive committees on the development and implementation of the program, including:~~

~~(a) Factors determining placement of a child in the program.~~

~~(b) Services provided in each component of the program.~~

~~(c) Costs associated with each component of the program.~~

~~(d) Problems or difficulties encountered in the implementation and operation of the program.~~

Section 244. Subsection (9) of section 985.309, Florida Statutes, is amended to read:

985.309 Boot camp for children.--

BILL

ORIGINAL

YEAR

6812           (9) If a department-operated boot camp fails to pass the  
6813 department's quarterly inspection and evaluation, the department  
6814 must take necessary and sufficient steps to ensure and document  
6815 program changes to achieve compliance with department rules. If  
6816 the department-operated boot camp fails to achieve compliance  
6817 with department rules within 3 months and if there are no  
6818 documented extenuating circumstances, the department may take  
6819 ~~must notify the Executive Office of the Governor and the~~  
6820 ~~Legislature of the~~ corrective action ~~taken~~. Appropriate  
6821 corrective action may include, but is not limited to:  
6822           (a) Contracting out for the operation of the boot camp;  
6823           (b) Initiating appropriate disciplinary action against all  
6824 employees whose conduct or performance is deemed to have  
6825 materially contributed to the program's failure to meet  
6826 department rules;  
6827           (c) Redesigning the program; or  
6828           (d) Realigning the program.  
6829           Section 245. Paragraph (a) of subsection (1) of section  
6830 985.31, Florida Statutes, is amended to read:  
6831           985.31 Serious or habitual juvenile offender.--  
6832           (1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the  
6833 provisions of this chapter and the establishment of appropriate  
6834 program guidelines and standards, contractual instruments, which  
6835 shall include safeguards of all constitutional rights, shall be  
6836 developed as follows:  
6837           (a) The department shall provide for:  
6838           1. The oversight of implementation of assessment and  
6839 treatment approaches.

BILL

ORIGINAL

YEAR

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to serious or habitual delinquent children.

3. The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.

~~4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, and the Auditor General no later than January 1 of each year.~~

Section 246. Paragraph (a) of subsection (1) of section 985.311, Florida Statutes, is amended to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.--

(1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the provisions of this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed for intensive residential treatment programs for offenders less than 13 years of age as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment

BILL

ORIGINAL

YEAR

6869 and treatment services to intensive offenders less than 13 years  
6870 of age.

6871         3. The monitoring and evaluation of assessment and  
6872 treatment services for compliance with the provisions of this  
6873 chapter and all applicable rules and guidelines pursuant thereto.

6874         ~~4. The development of an annual report on the performance~~  
6875 ~~of assessment and treatment to be presented to the Governor, the~~  
6876 ~~Attorney General, the President of the Senate, the Speaker of the~~  
6877 ~~House of Representatives, the Auditor General, and the Office of~~  
6878 ~~Program Policy Analysis and Government Accountability no later~~  
6879 ~~than January 1 of each year.~~

6880         Section 247. Subsection (1) of section 985.3155, Florida  
6881 Statutes, is amended to read:

6882         985.3155 Multiagency plan for vocational education.--

6883         (1) The Department of Juvenile Justice and the Department  
6884 of Education shall, in consultation with the statewide Workforce  
6885 Development Youth Council, school districts, providers, and  
6886 others, jointly develop a multiagency plan for vocational  
6887 education that establishes the curriculum, goals, and outcome  
6888 measures for vocational programs in juvenile commitment  
6889 facilities. The plan must include:

6890         (a) Provisions for maximizing appropriate state and federal  
6891 funding sources, including funds under the Workforce Investment  
6892 Act and the Perkins Act;

6893         (b) The responsibilities of both departments and all other  
6894 appropriate entities; and

6895         (c) A detailed implementation schedule.

6896



BILL

ORIGINAL

YEAR

6897    ~~The plan must be submitted to the Governor, the President of the~~  
6898    ~~Senate, and the Speaker of the House of Representatives by May 1,~~  
6899    ~~2001.~~

6900            Section 248.    Section 985.403, Florida Statutes, is  
6901    repealed.

6902            Section 249.    Subsection (7) of section 985.412, Florida  
6903    Statutes, is amended to read:

6904            985.412    Quality assurance and cost-effectiveness.--

6905            ~~(7) No later than November 1, 2001, the department shall~~  
6906    ~~submit a proposal to the Legislature concerning funding~~  
6907    ~~incentives and disincentives for the department and for providers~~  
6908    ~~under contract with the department. The recommendations for~~  
6909    ~~funding incentives and disincentives shall be based upon both~~  
6910    ~~quality assurance performance and cost effectiveness performance.~~  
6911    ~~The proposal should strive to achieve consistency in incentives~~  
6912    ~~and disincentives for both department operated and contractor~~  
6913    ~~provided programs. The department may include recommendations for~~  
6914    ~~the use of liquidated damages in the proposal; however, the~~  
6915    ~~department is not presently authorized to contract for liquidated~~  
6916    ~~damages in non hardware secure facilities until January 1, 2002.~~

6917            Section 250.    Subsections (3) and (4) of section 1001.02,  
6918    Florida Statutes, are amended to read:

6919            1001.02    General powers of State Board of Education.--

6920            ~~(3) The State Board of Education shall adopt rules to~~  
6921    ~~establish the criteria for assigning, reviewing, and removing~~  
6922    ~~limited access status to an educational program. The State Board~~  
6923    ~~of Education shall monitor the extent of limited access programs~~  
6924    ~~within the state universities and report to the Legislature~~  
6925    ~~admissions and enrollment data for limited access programs. Such~~

BILL

ORIGINAL

YEAR

6926 ~~report shall be submitted annually by December 1 and shall assist~~  
 6927 ~~in determining the potential need for academic program contracts~~  
 6928 ~~with independent institutions pursuant to paragraph (2) (p). The~~  
 6929 ~~report must specify, for each limited access program within each~~  
 6930 ~~institution, the following categories, by race and gender:~~

6931 ~~(a) The number of applicants.~~

6932 ~~(b) The number of applicants granted admission.~~

6933 ~~(c) The number of applicants who are granted admission and~~  
 6934 ~~enroll.~~

6935 ~~(d) The number of applicants denied admission.~~

6936 ~~(e) The number of applicants neither granted admission nor~~  
 6937 ~~denied admission.~~

6938  
 6939 ~~Each category must be reported for each term. Each category must~~  
 6940 ~~be reported by type of student, including the following~~  
 6941 ~~subcategories: native students, community college associate in~~  
 6942 ~~arts degree transfer students, and other students. Each category~~  
 6943 ~~and subcategory must further be reported according to the number~~  
 6944 ~~of students who meet or exceed the minimum eligibility~~  
 6945 ~~requirements for admission to the program and the number of~~  
 6946 ~~students who do not meet or exceed the minimum eligibility~~  
 6947 ~~requirements for admission to the program.~~

6948 ~~(4) The State Board of Education shall review, and approve~~  
 6949 ~~or disapprove, baccalaureate degree programs that exceed 120~~  
 6950 ~~semester hours, after considering accreditation requirements,~~  
 6951 ~~employment and earnings of graduates, comparative program lengths~~  
 6952 ~~nationally, and comparisons with similar programs offered by~~  
 6953 ~~independent institutions. By December 31 of each year, the State~~  
 6954 ~~Board of Education must report to the Legislature any degrees in~~

BILL

ORIGINAL

YEAR

6955 ~~the state universities that require more than 120 hours, along~~  
 6956 ~~with appropriate evidence of need. At least every 5 years, the~~  
 6957 ~~State Board of Education must determine whether the programs~~  
 6958 ~~still require more than the standard length of 120 hours.~~

6959       Section 251. Paragraph (a) of subsection (4) of section  
 6960 1008.30, Florida Statutes, is amended to read:

6961       1008.30 Common placement testing for public postsecondary  
 6962 education.--

6963       (4)(a) Public postsecondary educational institution  
 6964 students who have been identified as requiring additional  
 6965 preparation pursuant to subsection (1) shall enroll in college-  
 6966 preparatory or other adult education pursuant to s. 1004.93 in  
 6967 community colleges to develop needed college-entry skills. These  
 6968 students shall be permitted to take courses within their degree  
 6969 program concurrently in other curriculum areas for which they are  
 6970 qualified while enrolled in college-preparatory instruction  
 6971 courses. A student enrolled in a college-preparatory course may  
 6972 concurrently enroll only in college credit courses that do not  
 6973 require the skills addressed in the college-preparatory course.  
 6974 The State Board of Education shall specify the college credit  
 6975 courses that are acceptable for students enrolled in each  
 6976 college-preparatory skill area, pursuant to s. 1001.02 (5) ~~(7)~~ (g).  
 6977 A student who wishes to earn an associate in arts or a  
 6978 baccalaureate degree, but who is required to complete a college-  
 6979 preparatory course, must successfully complete the required  
 6980 college-preparatory studies by the time the student has  
 6981 accumulated 12 hours of lower-division college credit degree  
 6982 coursework; however, a student may continue enrollment in degree-  
 6983 earning coursework provided the student maintains enrollment in

BILL

ORIGINAL

YEAR

6984 college-preparatory coursework for each subsequent semester until  
 6985 college-preparatory coursework requirements are completed, and  
 6986 the student demonstrates satisfactory performance in degree-  
 6987 earning coursework. A passing score on a standardized,  
 6988 institutionally developed test must be achieved before a student  
 6989 is considered to have met basic computation and communication  
 6990 skills requirements; however, no student shall be required to  
 6991 retake any test or subtest that was previously passed by said  
 6992 student. Credit awarded for college-preparatory instruction may  
 6993 not be counted toward fulfilling the number of credits required  
 6994 for a degree.

6995       Section 252. Subsection (1) of section 1011.82, Florida  
 6996 Statutes, is amended to read:

6997       1011.82 Requirements for participation in Community College  
 6998 Program Fund.--Each community college district which participates  
 6999 in the state appropriations for the Community College Program  
 7000 Fund shall provide evidence of its effort to maintain an adequate  
 7001 community college program which shall:

7002       (1) Meet the minimum standards prescribed by the State  
 7003 Board of Education in accordance with s. 1001.02 (7) ~~(9)~~.

7004       Section 253. Subsection (14) of section 1001.03, Florida  
 7005 Statutes, is amended to read:

7006       1001.03 Specific powers of State Board of Education.--

7007       ~~(14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT~~  
 7008 ~~ADMINISTRATIVE AND MANAGEMENT PERSONNEL. The State Board of~~  
 7009 ~~Education shall recommend to the Legislature by February 1, 2003,~~  
 7010 ~~a uniform classification system for school district~~  
 7011 ~~administrative and management personnel that will facilitate the~~

BILL

ORIGINAL

YEAR

7012 ~~uniform coding of administrative and management personnel to~~  
 7013 ~~total district employees.~~

7014       Section 254. Subsection (19) of section 1002.34, Florida  
 7015 Statutes, is amended to read:

7016       1002.34 Charter technical career centers.--

7017       ~~(19) EVALUATION; REPORT. The Commissioner of Education~~  
 7018 ~~shall provide for an annual comparative evaluation of charter~~  
 7019 ~~technical career centers and public technical centers. The~~  
 7020 ~~evaluation may be conducted in cooperation with the sponsor,~~  
 7021 ~~through private contracts, or by department staff. At a minimum,~~  
 7022 ~~the comparative evaluation must address the demographic and~~  
 7023 ~~socioeconomic characteristics of the students served, the types~~  
 7024 ~~and costs of services provided, and the outcomes achieved. By~~  
 7025 ~~December 30 of each year, the Commissioner of Education shall~~  
 7026 ~~submit to the Governor, the President of the Senate, the Speaker~~  
 7027 ~~of the House of Representatives, and the Senate and House~~  
 7028 ~~committees that have responsibility for secondary and~~  
 7029 ~~postsecondary career and technical education a report of the~~  
 7030 ~~comparative evaluation completed for the previous school year.~~

7031       Section 255. Subsections (3) and (4) of section 1003.492,  
 7032 Florida Statutes, are amended to read:

7033       1003.492 Industry-certified career education programs.--

7034       ~~(3) The Department of Education shall study student~~  
 7035 ~~performance in industry-certified career education programs. The~~  
 7036 ~~department shall identify districts that currently operate~~  
 7037 ~~industry-certified career education programs. The study shall~~  
 7038 ~~examine the performance of participating students over time.~~  
 7039 ~~Performance factors shall include, but not be limited to,~~  
 7040 ~~graduation rates, retention rates, additional educational~~

BILL

ORIGINAL

YEAR

7041   ~~attainment, employment records, earnings, and industry~~  
7042   ~~satisfaction. The results of this study shall be submitted to the~~  
7043   ~~President of the Senate and the Speaker of the House of~~  
7044   ~~Representatives by December 31, 2004.~~

7045       ~~(4) The Department of Education shall conduct a study to~~  
7046   ~~determine if a cost factor should be applied to industry~~  
7047   ~~certified career education programs and review the need for~~  
7048   ~~startup funding for the programs. The study shall be completed by~~  
7049   ~~December 31, 2004, and shall be submitted to the President of the~~  
7050   ~~Senate and the Speaker of the House of Representatives.~~

7051       Section 256. Subsection (4) of section 1003.61, Florida  
7052   Statutes, is amended to read:

7053       1003.61 Pilot attendance project.--It is the purpose of  
7054   this section to require the Manatee County District School Board  
7055   to implement a pilot project that raises the compulsory age of  
7056   attendance for children from the age of 16 years to the age of 18  
7057   years. The pilot project applies to each child who has not  
7058   attained the age of 16 years by September 30 of the school year  
7059   in which a school board policy is adopted.

7060       ~~(4) The district school board must evaluate the effect of~~  
7061   ~~its adopted policy raising the compulsory age of attendance on~~  
7062   ~~school attendance and on the school district's dropout rate, as~~  
7063   ~~well as on the costs associated with the pilot project. The~~  
7064   ~~school district shall report its findings to the President of the~~  
7065   ~~Senate, the Speaker of the House of Representatives, the minority~~  
7066   ~~leader of each house of the Legislature, the Governor, and the~~  
7067   ~~Commissioner of Education not later than August 1 following each~~  
7068   ~~year that the pilot project is in operation.~~

BILL

ORIGINAL

YEAR

7069           Section 257. Subsections (5), (6), and (10) of section  
7070   1004.22, Florida Statutes, are amended to read:  
7071           1004.22 Divisions of sponsored research at state  
7072   universities.--  
7073           (5) Moneys deposited in the permanent sponsored research  
7074   development fund of a university shall be disbursed in accordance  
7075   with the terms of the contract, grant, or donation under which  
7076   they are received. Moneys received for overhead or indirect costs  
7077   and other moneys not required for the payment of direct costs  
7078   shall be applied to the cost of operating the division of  
7079   sponsored research. Any surplus moneys shall be used to support  
7080   other research or sponsored training programs in any area of the  
7081   university. Transportation and per diem expense allowances shall  
7082   be the same as those provided by law in s. 112.061, except that  
7083   personnel performing travel under a sponsored research  
7084   subcontract may be reimbursed for travel expenses in accordance  
7085   with the provisions of the applicable prime contract or grant and  
7086   the travel allowances established by the subcontractor, subject  
7087   to the requirements of subsection (6)~~(7)~~, or except as provided  
7088   in subsection (10)~~(11)~~.  
7089           ~~(6)(a) Each university shall submit to the State Board of~~  
7090   ~~Education a report of the activities of each division of~~  
7091   ~~sponsored research together with an estimated budget for the next~~  
7092   ~~fiscal year.~~  
7093           ~~(b) Not less than 90 days prior to the convening of each~~  
7094   ~~regular session of the Legislature in which an appropriation~~  
7095   ~~shall be made, the State Board of Education shall submit to the~~  
7096   ~~chair of the appropriations committee of each house of the~~  
7097   ~~Legislature a compiled report, together with a compiled estimated~~

BILL

ORIGINAL

YEAR

7098 ~~budget for the next fiscal year. A copy of such report and~~  
7099 ~~estimated budget shall be furnished to the Governor, as the chief~~  
7100 ~~budget officer of the state.~~

7101       (9)~~(10)~~ The operation of the divisions of sponsored  
7102 research and the conduct of the sponsored research program are  
7103 expressly exempted from the provisions of any other laws or  
7104 portions of laws in conflict herewith and are, subject to the  
7105 requirements of subsection (6)~~(7)~~, exempted from the provisions  
7106 of chapters 215, 216, and 283.

7107       Section 258. Subsection (6) of section 1004.50, Florida  
7108 Statutes, is amended to read:

7109       1004.50 Institute on Urban Policy and Commerce.--

7110       ~~(6) The Governor shall submit an annual report to the~~  
7111 ~~Legislature on the unmet needs in the state's urban communities.~~

7112       Section 259. Section 1004.94, Florida Statutes, is amended  
7113 to read:

7114       1004.94 Adult literacy.--

7115       (1)(a) An adult, individualized literacy instruction  
7116 program is created for adults who possess literacy skills below  
7117 the ninth grade level. The purpose of the program is to provide  
7118 self-paced, competency-based, individualized tutorial  
7119 instruction. The commissioner shall administer this section in  
7120 coordination with community college boards of trustees, local  
7121 school boards, and the Division of Library and Information  
7122 Services of the Department of State.

7123       (b) Local adult, individualized literacy instruction  
7124 programs may be coordinated with local public library systems and  
7125 with public or private nonprofit agencies, organizations, or  
7126 institutions. A local public library system and a public or



BILL

ORIGINAL

YEAR

private nonprofit agency, organization, or institution may use funds appropriated for the purposes of this section to hire program coordinators. Such coordinators shall offer training activities to volunteer tutors and oversee the operation of local literacy programs. A local public library system and a public or private nonprofit agency, organization, or institution may also purchase student instructional materials and modules that instruct tutors in the teaching of basic and functional literacy and English for speakers of other languages. To the extent funds are appropriated, cooperating local library systems shall purchase, and make available for loan, reading materials of high interest and with a vocabulary appropriate for use by students who possess literacy skills below the ninth grade level and students of English for speakers of other languages.

~~(2)(a) The adult literacy program is intended to increase adult literacy as prescribed in the agency functional plan of the Department of Education. The commissioner shall establish guidelines for the purpose of determining achievement of this goal.~~

~~(b) Each participating local sponsor shall submit an annual report to the commissioner which must contain information to demonstrate the extent to which there has been progress toward increasing the percentage of adults within the service area who possess literacy skills.~~

~~(c) Based on the information provided from the local reports, the commissioner shall develop an annual status report on literacy and adult education.~~

(2)(3) Funds appropriated for the purposes of this section shall be allocated as grants for implementing adult literacy

BILL

ORIGINAL

YEAR

programs. Such funds may not be used to supplant funds used for activities that would otherwise be conducted in the absence of literacy funding. A grant awarded pursuant to this section may not exceed \$50,000. Priority for the use of such funds shall be given to paying expenses related to the instruction of volunteer tutors, including materials and the salary of the program coordinator. Local sponsors may also accept funds from private sources for the purposes of this section.

~~(4)(a) The commissioner shall submit a state adult literacy plan to the State Board of Education to serve as a reference for district school boards and community colleges boards of trustees to increase adult literacy in their service areas as prescribed in the agency functional plan of the Department of Education. The plan must include, at a minimum:~~

~~1. Policies and objectives for adult literacy programs, including evaluative criteria.~~

~~2. Strategies for coordinating adult literacy activities with programs and services provided by other state and local nonprofit agencies, as well as strategies for maximizing other funding, resources, and expertise.~~

~~3. Procedures for identifying, recruiting, and retaining adults who possess literacy skills below the ninth grade level.~~

~~4. Sources of relevant demographic information and methods of projecting the number of adults who possess literacy skills below the ninth grade level.~~

~~5. Acceptable methods of demonstrating compliance with the provisions of this section.~~

BILL

ORIGINAL

YEAR

~~6. Guidelines for the development and implementation of local adult literacy plans. At a minimum, such guidelines must address:~~

~~a. The recruitment and preparation of volunteer tutors.~~

~~b. Interagency and intraagency cooperation and coordination, especially with public libraries and other sponsors of literacy programs.~~

~~c. Desirable learning environments, including class size.~~

~~d. Program evaluation standards.~~

~~e. Methods for identifying, recruiting, and retaining adults in literacy programs.~~

~~f. Adult literacy through family literacy and workforce literacy programs.~~

~~(b) Every 3 years, the district school board or community college board of trustees shall develop and maintain a local adult literacy plan.~~

Section 260. Subsection (4) of section 1004.95, Florida Statutes, is amended to read:

1004.95 Adult literacy centers.--

(4) The State Board of Education shall develop rules for implementing this section, ~~including criteria for evaluating the performance of the centers, and shall submit an evaluation report of the centers to the Legislature on or before February 1 of each year.~~

Section 261. Section 1006.0605, Florida Statutes, is repealed.

Section 262. Section 1006.67, Florida Statutes, is repealed.

BILL

ORIGINAL

YEAR

Section 263. Subsection (11) of section 1007.27, Florida Statutes, is amended to read:

1007.27 Articulated acceleration mechanisms.--

~~(11)(a) The State Board of Education shall conduct a review of the extent to which the acceleration mechanisms authorized by this section are currently utilized by school districts and public postsecondary educational institutions and shall submit a report to the Governor and the Legislature by December 31, 2003.~~

~~(b) The report must include a summary of ongoing activities and a plan to increase and enhance the use of acceleration mechanisms as a way to shorten the length of time as well as the funding required for a student, including a student with a documented disability, to obtain a postsecondary degree.~~

~~(c) The review and plan shall address, but are not limited to, the following issues:~~

~~1. The manner in which students, including students with documented disabilities, are advised regarding the availability of acceleration mechanism options.~~

~~2. The availability of acceleration mechanism options to eligible students, including students with documented disabilities, who wish to participate.~~

~~3. The grading practices, including weighting of courses, of school districts and public postsecondary educational institutions with regard to credit earned through acceleration mechanisms.~~

~~4. The extent to which credit earned through an acceleration mechanism is used to meet the general education requirements of a public postsecondary educational institution.~~

BILL

ORIGINAL

YEAR

~~5. The extent to which the secondary instruction associated with acceleration mechanism options could be offered at sites other than public K through 12 school sites to assist in meeting class size reduction needs.~~

~~6. The manner in which funding for instruction associated with acceleration mechanism options is provided.~~

~~7. The feasibility of providing students, including students with documented disabilities, the option of choosing Advanced Placement credit or College Level Examination Program (CLEP) credit as an alternative to dual enrollment credit upon completion of a dual enrollment course.~~

Section 264. Subsection (8) of section 1009.70, Florida Statutes, is amended to read:

1009.70 Florida Education Fund.--

(8) There is created a legal education component of the Florida Education Fund to provide the opportunity for minorities to attain representation within the legal profession proportionate to their representation within the general population. The legal education component of the Florida Education Fund includes a law school program and a pre-law program.

(a) The law school scholarship program of the Florida Education Fund is to be administered by the Board of Directors of the Florida Education Fund for the purpose of increasing by 200 the number of minority students enrolled in law schools in this state. Implementation of this program is to be phased in over a 3-year period.

1. The board of directors shall provide financial, academic, and other support to students selected for

BILL

ORIGINAL

YEAR

participation in this program from funds appropriated by the Legislature.

2. Student selection must be made in accordance with rules adopted by the board of directors for that purpose and must be based, at least in part, on an assessment of potential for success, merit, and financial need.

3. Support must be made available to students who enroll in private, as well as public, law schools in this state which are accredited by the American Bar Association.

4. Scholarships must be paid directly to the participating students.

5. Students who participate in this program must agree in writing to sit for The Florida Bar examination and, upon successful admission to The Florida Bar, to either practice law in the state for a period of time equal to the amount of time for which the student received aid, up to 3 years, or repay the amount of aid received.

~~6. Annually, the board of directors shall compile a report that includes a description of the selection process, an analysis of the academic progress of all scholarship recipients, and an analysis of expenditures. This report must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor.~~

(b) The minority pre-law scholarship loan program of the Florida Education Fund is to be administered by the Board of Directors of the Florida Education Fund for the purpose of increasing the opportunity of minority students to prepare for law school.

BILL

ORIGINAL

YEAR

7296           1. From funds appropriated by the Legislature, the board of  
7297 directors shall provide for student fees, room, board, books,  
7298 supplies, and academic and other support to selected minority  
7299 undergraduate students matriculating at eligible public and  
7300 independent colleges and universities in Florida.

7301           2. Student selection must be made in accordance with rules  
7302 adopted by the board of directors for that purpose and must be  
7303 based, at least in part, on an assessment of potential for  
7304 success, merit, and financial need.

7305           3. To be eligible, a student must make a written agreement  
7306 to enter or be accepted to enter a law school in this state  
7307 within 2 years after graduation or repay the scholarship loan  
7308 amount plus interest at the prevailing rate.

7309           4. Recipients who fail to gain admission to a law school  
7310 within the specified period of time, may, upon admission to law  
7311 school, be eligible to have their loans canceled.

7312           5. Minority pre-law scholarship loans shall be provided to  
7313 34 minority students per year for up to 4 years each, for a total  
7314 of 136 scholarship loans. To continue receipt of scholarship  
7315 loans, recipients must maintain a 2.75 grade point average for  
7316 the freshman year and a 3.25 grade point average thereafter.  
7317 Participants must also take specialized courses to enhance  
7318 competencies in English and logic.

7319           6. The board of directors shall maintain records on all  
7320 scholarship loan recipients. Participating institutions shall  
7321 submit academic progress reports to the board of directors  
7322 following each academic term. ~~Annually, the board of directors~~  
7323 ~~shall compile a report that includes a description of the~~  
7324 ~~selection process, an analysis of the academic progress of all~~

BILL

ORIGINAL

YEAR

7325 ~~scholarship loan recipients, and an analysis of expenditures.~~  
7326 ~~This report must be submitted to the President of the Senate, the~~  
7327 ~~Speaker of the House of Representatives, and the Governor.~~

7328       Section 265. Subsection (8) of section 1011.32, Florida  
7329 Statutes, is amended to read:

7330       1011.32 Community College Facility Enhancement Challenge  
7331 Grant Program.--

7332       (8) By September 1 of each year, the State Board of  
7333 Education shall transmit to the Governor and Legislature a list  
7334 of projects which meet all eligibility requirements to  
7335 participate in the Community College Facility Enhancement  
7336 Challenge Grant Program and a budget request which includes the  
7337 recommended schedule necessary to complete each project.

7338       Section 266. Subsection (5) section 1011.4105, Florida  
7339 Statutes, is amended to read:

7340       1011.4105 Transition from state accounting system (FLAIR)  
7341 to university accounting system.--

7342       ~~(5) The State Board of Education in cooperation with each~~  
7343 ~~university and the Department of Financial Services shall develop~~  
7344 ~~a plan and establish the deadline for all universities to have~~  
7345 ~~completed the transition from FLAIR. The board shall submit a~~  
7346 ~~copy of this plan to the Executive Office of the Governor and the~~  
7347 ~~chairs of the appropriations committees of the Senate and House~~  
7348 ~~of Representatives.~~

7349       Section 267. Paragraph (p) of subsection (1) of section  
7350 1011.62, Florida Statutes, is amended to read:

7351       1011.62 Funds for operation of schools.--If the annual  
7352 allocation from the Florida Education Finance Program to each  
7353 district for operation of schools is not determined in the annual



BILL

ORIGINAL

YEAR

7354 appropriations act or the substantive bill implementing the  
 7355 annual appropriations act, it shall be determined as follows:  
 7356       (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
 7357 OPERATION.--The following procedure shall be followed in  
 7358 determining the annual allocation to each district for operation:  
 7359       (p) Extended-school-year program.--It is the intent of the  
 7360 Legislature that students be provided additional instruction by  
 7361 extending the school year to 210 days or more. Districts may  
 7362 apply to the Commissioner of Education for funds to be used in  
 7363 planning and implementing an extended-school-year program. ~~The~~  
 7364 ~~Department of Education shall recommend to the Legislature the~~  
 7365 ~~policies necessary for full implementation of an extended school~~  
 7366 ~~year.~~  
 7367       Section 268. Paragraph (1) of subsection (2) of section  
 7368 1012.05, Florida Statutes, is amended to read:  
 7369       1012.05 Teacher recruitment and retention.--  
 7370       (2) The Department of Education shall:  
 7371       ~~(1) Develop, in consultation with Workforce Florida, Inc.,~~  
 7372 ~~and the Agency for Workforce Innovation, created pursuant to ss.~~  
 7373 ~~445.004 and 20.50, respectively, a plan for accessing and~~  
 7374 ~~identifying available resources in the state's workforce system~~  
 7375 ~~for the purpose of enhancing teacher recruitment and retention.~~  
 7376       Section 269. Subsection (1) of section 1012.42, Florida  
 7377 Statutes, is amended to read:  
 7378       1012.42 Teacher teaching out-of-field.--  
 7379       (1) ASSISTANCE.--Each district school board shall adopt and  
 7380 implement a plan to assist any teacher teaching out-of-field, and  
 7381 priority consideration in professional development activities  
 7382 shall be given to teachers who are teaching out-of-field. The

BILL

ORIGINAL

YEAR

7383 district school board shall require that such teachers  
7384 participate in a certification or staff development program  
7385 designed to provide the teacher with the competencies required  
7386 for the assigned duties. The board-approved assistance plan must  
7387 include duties of administrative personnel and other  
7388 instructional personnel to provide students with instructional  
7389 services. ~~Each district school board shall contact its regional~~  
7390 ~~workforce board, created pursuant to s. 445.007, to identify~~  
7391 ~~resources that may assist teachers who are teaching out of field~~  
7392 ~~and who are pursuing certification.~~

7393 Section 270. Subsection (13) of section 1013.03, Florida  
7394 Statutes, is amended to read:

7395 1013.03 Functions of the department.--The functions of the  
7396 Department of Education as it pertains to educational facilities  
7397 shall include, but not be limited to, the following:

7398 ~~(13) By October 1, 2003, review all rules related to school~~  
7399 ~~construction to identify requirements that are outdated,~~  
7400 ~~obsolete, unnecessary, or otherwise could be amended in order to~~  
7401 ~~provide additional flexibility to school districts to comply with~~  
7402 ~~the constitutional class size maximums described in s. 1003.03(1)~~  
7403 ~~and make recommendations concerning such rules to the State Board~~  
7404 ~~of Education. The State Board of Education shall act on such~~  
7405 ~~recommendations by December 31, 2003.~~

7406 Section 271. Section 1013.11, Florida Statutes, is amended  
7407 to read:

7408 1013.11 Postsecondary institutions assessment of physical  
7409 plant safety.--The president of each postsecondary institution  
7410 shall conduct or cause to be conducted an annual assessment of  
7411 physical plant safety. An annual report shall incorporate the

BILL

ORIGINAL

YEAR

7412 findings obtained through such assessment and recommendations for  
7413 the improvement of safety on each campus. The annual report shall  
7414 be submitted to the respective governing or licensing board of  
7415 jurisdiction no later than January 1 of each year. Each board  
7416 shall compile the individual institutional reports and convey the  
7417 aggregate institutional reports to the Commissioner of Education.  
7418 ~~The Commissioner of Education shall convey these reports and the~~  
7419 ~~reports required in s. 1008.48 to the President of the Senate and~~  
7420 ~~the Speaker of the House of Representatives no later than March 1~~  
7421 ~~of each year.~~

7422       Section 272. This act shall take effect upon becoming a  
7423 law.